113TH CONGRESS 1ST SESSION

S. 601

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 18, 2013

Mrs. Boxer (for herself and Mr. Vitter) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Water Resources Development Act of 2013".
- 6 (b) Table of Contents.—The table of contents of
- 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

- Sec. 1001. Purposes.
- Sec. 1002. Project authorizations.
- Sec. 1003. Project review.

TITLE II—WATER RESOURCES POLICY REFORMS

- Sec. 2001. Purposes.
- Sec. 2002. Safety assurance review.
- Sec. 2003. Continuing authority programs.
- Sec. 2004. Continuing authority program prioritization.
- Sec. 2005. Fish and wildlife mitigation.
- Sec. 2006. Mitigation status report.
- Sec. 2007. Independent peer review.
- Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.
- Sec. 2009. Hydropower at Corps of Engineers facilities.
- Sec. 2010. Clarification of work-in-kind credit authority.
- Sec. 2011. Transfer of excess work-in-kind credit.
- Sec. 2012. Credit for in-kind contributions.
- Sec. 2013. Credit in lieu of reimbursement.
- Sec. 2014. Dam optimization.
- Sec. 2015. Water supply.
- Sec. 2016. Report on water storage pricing formulas.
- Sec. 2017. Clarification of previously authorized work.
- Sec. 2018. Consideration of Federal land in feasibility studies.
- Sec. 2019. Planning assistance to States.
- Sec. 2020. Vegetation management policy.
- Sec. 2021. Levee certifications.
- Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.
- Sec. 2023. Operation and maintenance of certain projects.
- Sec. 2024. Dredging study.
- Sec. 2025. Non-Federal project implementation pilot program.
- Sec. 2026. Non-Federal implementation of feasibility studies.
- Sec. 2027. Tribal partnership program.
- Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.
- Sec. 2029. Military munitions response actions at civil works shoreline protection projects.
- Sec. 2030. Beach nourishment.
- Sec. 2031. Regional sediment management.
- Sec. 2032. Study acceleration.
- Sec. 2033. Project acceleration.
- Sec. 2034. Feasibility studies.
- Sec. 2035. Accounting and administrative expenses.
- Sec. 2036. Determination of project completion.
- Sec. 2037. Project partnership agreements.
- Sec. 2038. Interagency and international support authority.
- Sec. 2039. Acceptance of contributed funds to increase lock operations.
- Sec. 2040. Emergency response to natural disasters.
- Sec. 2041. Systemwide improvement frameworks.
- Sec. 2042. Funding to process permits.
- Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.

- Sec. 2044. Hurricane and storm damage risk reduction prioritization.
- Sec. 2045. Prioritization of ecosystem restoration efforts.
- Sec. 2046. Special use permits.
- Sec. 2047. Operations and maintenance on fuel taxed inland waterways.
- Sec. 2048. Corrosion prevention.
- Sec. 2049. Project deauthorizations.
- Sec. 2050. Reports to Congress.

TITLE III—PROJECT MODIFICATIONS

- Sec. 3001. Purpose.
- Sec. 3002. Chatfield Reservoir, Colorado.
- Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.
- Sec. 3004. Hurricane and storm damage reduction study.
- Sec. 3005. Lower Yellowstone Project, Montana.
- Sec. 3006. Project deauthorizations.
- Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.
- Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.

TITLE IV—WATER RESOURCE STUDIES

- Sec. 4001. Purpose.
- Sec. 4002. Initiation of new water resources studies.
- Sec. 4003. Applicability.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

- Sec. 5001. Purpose.
- Sec. 5002. Northeast Coastal Region ecosystem restoration.
- Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.
- Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.
- Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
- Sec. 5006. Arkansas River, Arkansas and Oklahoma.
- Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.
- Sec. 5008. Upper Missouri Basin flood and drought monitoring.
- Sec. 5009. Northern Rockies headwaters extreme weather mitigation.

TITLE VI—LEVEE SAFETY

- Sec. 6001. Short title.
- Sec. 6002. Findings; purposes.
- Sec. 6003. Definitions.
- Sec. 6004. National levee safety program.
- Sec. 6005. National levee safety advisory board.
- Sec. 6006. Inventory and inspection of levees.
- Sec. 6007. Reports.
- Sec. 6008. Effect of title.
- Sec. 6009. Authorization of appropriations.

TITLE VII—INLAND WATERWAYS

Sec. 7001. Purposes.

- Sec. 7002. Definitions.
- Sec. 7003. Project delivery process reforms.
- Sec. 7004. Major rehabilitation standards.
- Sec. 7005. Inland waterways system revenues.
- Sec. 7006. Efficiency of revenue collection.

TITLE VIII—HARBOR MAINTENANCE

- Sec. 8001. Short title.
- Sec. 8002. Purposes.
- Sec. 8003. Funding for harbor maintenance programs.
- Sec. 8004. Harbor Maintenance Trust Fund prioritization.
- Sec. 8005. Civil works program of the Corps of Engineers.

TITLE IX—DAM SAFETY

- Sec. 9001. Short title.
- Sec. 9002. Purpose.
- Sec. 9003. Administrator.
- Sec. 9004. Inspection of dams.
- Sec. 9005. National Dam Safety Program.
- Sec. 9006. Public awareness and outreach for dam safety.
- Sec. 9007. Authorization of appropriations.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

- Sec. 10001. Short title.
- Sec. 10002. Purposes.
- Sec. 10003. Definitions.
- Sec. 10004. Authority to provide assistance.
- Sec. 10005. Applications.
- Sec. 10006. Eligible entities.
- Sec. 10007. Projects eligible for assistance.
- Sec. 10008. Activities eligible for assistance.
- Sec. 10009. Determination of eligibility and project selection.
- Sec. 10010. Secured loans.
- Sec. 10011. Program administration.
- Sec. 10012. State and local permits.
- Sec. 10013. Regulations.
- Sec. 10014. Funding.
- Sec. 10015. Report to Congress.

TITLE XI—EXTREME WEATHER

- Sec. 11001. Improving management of flood and drought.
- Sec. 11002. GAO study on management of flood and drought.
- Sec. 11003. Post-disaster watershed assessments.

1 SEC. 2. DEFINITION OF SECRETARY.

- 2 In this Act, the term "Secretary" means the Sec-
- 3 retary of the Army.

TITLE I—WATER RESOURCE PROJECTS

3	SEC. 1001. PURPOSES.
4	The purposes of this title are—
5	(1) to authorize projects that—
6	(A) are the subject of a completed report
7	of the Chief of Engineers containing a deter-
8	mination that the relevant project—
9	(i) is in the Federal interest;
10	(ii) results in benefits that exceed the
11	costs of the project;
12	(iii) is environmentally acceptable; and
13	(iv) is technically feasible; and
14	(B) have been recommended to Congress
15	for authorization by the Assistant Secretary of
16	the Army for Civil Works; and
17	(2) to authorize the Secretary—
18	(A) to review projects that require in-
19	creased authorization; and
20	(B) to request an increase of those author-
21	izations after—
22	(i) certifying that the increases are
23	necessary; and
24	(ii) submitting to Congress reports on
25	the proposed increases.

1 SEC. 1002. PROJECT AUTHORIZATIONS.

2	The Secretary is authorized to carry out projects for
3	water resources development, conservation, and other pur-
4	poses, subject to the conditions that—
5	(1) each project is carried out—
6	(A) substantially in accordance with the
7	plan for the project; and
8	(B) subject to any conditions described in
9	the report for the project; and
10	(2) a Report of the Chief of Engineers has been
11	completed and a referral by the Assistant Secretary
12	of the Army for Civil Works has been made to Con-
13	gress as of the date of enactment of this Act for the
14	project.
15	SEC. 1003. PROJECT REVIEW.
16	(a) In General.—For a project that is authorized
17	by Federal law as of the date of enactment of this Act,
18	the Secretary may modify the authorized project cost set
19	under section 902 of the Water Resources Development
20	Act of 1986 (33 U.S.C. 2280)—
21	(1) by submitting the required certification and
22	additional information to Congress in accordance
23	with subsection (b); and
24	(2) after receiving an appropriation of funds in
25	accordance with subsection (c).
26	(b) Requirements for Submission.—

1	(1) Certification.—The certification to Con-
2	gress under subsection (a) shall include a certifi-
3	cation by the Secretary that—
4	(A) expenditures above the authorized cost
5	of the project are necessary to protect life and
6	safety, maintain critical navigation routes, or
7	restore ecosystems;
8	(B) the project continues to provide bene-
9	fits identified in the report of the Chief of Engi-
10	neers for the project; and
11	(C) for projects under construction—
12	(i) a temporary stop or delay resulting
13	from a failure to increase the authorized
14	cost of the project will increase costs to the
15	Federal Government; and
16	(ii) the amount requested for the
17	project in the budget of the President or
18	included in a work plan for the expenditure
19	of funds for the fiscal year during which
20	the certification is submitted will exceed
21	the authorized cost of the project.
22	(2) Additional information.—The informa-
23	tion provided to Congress about the project under
24	subsection (a) shall include at a minimum—

1	(A) a comprehensive review of the project
2	costs and reasons for exceeding the authorized
3	limits set under section 902 of the Water Re-
4	sources Development Act of 1986 (33 U.S.C.
5	2280);
6	(B) an expedited analysis of the updated
7	benefits and costs of the project; and
8	(C) the new funding level needed to com-
9	plete the project.
10	(3) Approval of congress.—The Secretary
11	may not change the authorized project costs under
12	subsection (a) unless—
13	(A) a certification and required informa-
14	tion is submitted to Congress under subsection
15	(b); and
16	(B) after such submission, amounts are
17	appropriated to initiate or continue construction
18	of the project in an appropriations or other Act.
19	(c) TERMINATION OF EFFECTIVENESS.—The author-
20	ity of the Secretary under this section terminates on the
21	date that is 3 years after the date of enactment of this
22	Act.

1 TITLE II—WATER RESOURCES 2 POLICY REFORMS

3	SEC. 2001. PURPOSES.
4	The purposes of this title are—
5	(1) to reform the implementation of water re-
6	sources projects by the Corps of Engineers;
7	(2) to make other technical changes to the
8	water resources policy of the Corps of Engineers;
9	and
10	(3) to implement reforms, including—
11	(A) enhancing the ability of local sponsors
12	to partner with the Corps of Engineers by en-
13	suring the eligibility of the local sponsors to re-
14	ceive and apply credit for work carried out by
15	the sponsors and increasing the role of sponsors
16	in carrying out Corps of Engineers projects;
17	(B) ensuring continuing authority pro-
18	grams can continue to meet important needs;
19	(C) encouraging the continuation of efforts
20	to modernize feasibility studies and establish
21	targets for expedited completion of feasibility
22	studies;
23	(D) seeking efficiencies in the management
24	of dams and related infrastructure to reduce
25	environmental impacts while maximizing other

- benefits and project purposes, such as flood
 control, navigation, water supply, and hydropower;
- 4 (E) clarifying mitigation requirements for 5 Corps of Engineers projects and ensuring trans-6 parency in the independent external review of 7 those projects; and
- 8 (F) establishing an efficient and trans9 parent process for deauthorizing projects that
 10 have failed to receive a minimum level of invest11 ment to ensure active projects can move for12 ward while reducing the backlog of authorized
 13 projects.

14 SEC. 2002. SAFETY ASSURANCE REVIEW.

- 15 Section 2035 of the Water Resources Development
- 16 Act of 2007 (33 U.S.C. 2344) is amended by adding at
- 17 the end the following:
- 18 "(g) Nonapplicability of FACA.—The Federal
- 19 Advisory Committee Act (5 U.S.C. App.) shall not apply
- 20 to a safety assurance review conducted under this sec-
- 21 tion.".

22 SEC. 2003. CONTINUING AUTHORITY PROGRAMS.

- 23 (a) Small River and Harbor Improvement
- 24 Projects.—Section 107 of the River and Harbor Act of
- 25 1960 (33 U.S.C. 577) is amended—

1	(1) in subsection (a), by striking
2	"\$35,000,000" and inserting "\$50,000,000"; and
3	(2) in subsection (b), by striking "\$7,000,000"
4	and inserting "\$10,000,000".
5	(b) Shore Damage Prevention or Mitigation.—
6	Section 111(c) of the River and Harbor Act of 1968 (33
7	U.S.C. 426i(e)) is amended by striking "\$5,000,000" and
8	inserting "\$10,000,000".
9	(c) Regional Sediment Management.—
10	(1) In General.—Section 204 of the Water
11	Resources Development Act of 1992 (33 U.S.C.
12	2326) is amended—
13	(A) in subsection $(c)(1)(C)$, by striking
14	"\$5,000,000" and inserting "\$10,000,000";
15	and
16	(B) in subsection (g), by striking
17	"\$30,000,000" and inserting "\$50,000,000".
18	(2) Applicability.—Section 2037 of the
19	Water Resources Development Act of 2007 (121
20	Stat. 1094) is amended by added at the end the fol-
21	lowing:
22	"(c) Applicability.—The amendment made by sub-
23	section (a) shall not apply to any project authorized under
24	this Act if a report of the Chief of Engineers for the

- 1 project was completed prior to the date of enactment of
- 2 this Act.".
- 3 (d) Small Flood Control Projects.—Section
- 4 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
- 5 is amended in the third sentence by striking "\$7,000,000"
- 6 and inserting "\$10,000,000".
- 7 (e) Project Modifications for Improvement of
- 8 Environment.—Section 1135(d) of the Water Resources
- 9 Development Act of 1986 (33 U.S.C. 2309a(d)) is amend-
- 10 ed—
- 11 (1) in the second sentence, by striking "Not
- more than 80 percent of the non-Federal may be"
- and inserting "The non-Federal share may be pro-
- vided"; and
- 15 (2) in the third sentence, by striking
- "\$5,000,000" and inserting "\$10,000,000".
- 17 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
- $18\ 206(\mathrm{d})$ of the Water Resources Development Act of 1996
- 19 (33 U.S.C. 2330(d)) is amended by striking "\$5,000,000"
- 20 and inserting "\$10,000,000".
- 21 (g) Floodplain Management Services.—Section
- 22 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a)
- 23 is amended by striking "\$15,000,000" and inserting
- 24 "\$50,000,000".

1	SEC. 2004.	CONTINUING	AUTHORITY	PROGRAM
2		PRIORITIZATION.		
3	(a) Def	UNITION OF CON	TINUING AUTH	ORITY PRO-
4	GRAM PROJE	ст.—In this sec	tion, the term	"continuing
5	authority pro	ogram" means 1	of the following	authorities:
6	(1)	Section 205 of	the Flood Cor	ntrol Act of
7	1948 (33	3 U.S.C. 701s).		
8	(2)	Section 111 of the	ne River and H	arbor Act of
9	1968 (33	3 U.S.C. 426i).		
10	(3)	Section 206 of t	he Water Resor	arces Devel-
11	opment.	Act of 1996 (33 1	J.S.C. 2330).	
12	(4)	Section 1135 of	the Water Reso	urces Devel-
13	opment.	Act of 1986 (33 1	J.S.C. 2309a).	
14	(5)	Section 107 of the	ne River and H	arbor Act of
15	1960 (33	3 U.S.C. 577).		
16	(6)	Section 3 of the	e Act of Augus	st 13, 1946
17	(33 U.S	.C. 426g).		
18	(b) Price	ORITIZATION.—No	t later than 1 ye	ear after the
19	date of enact	ment of this Act,	the Secretary s	shall publish
20	in the Federa	l Register and on	a publicly availa	able website,
21	the criteria	the Secretary us	ses for prioriti	zing annual
22	funding for co	ontinuing authori	ty program proj	ects.
23	(c) Ann	UAL REPORT.—N	Not later than	1 year after
24	the date of er	nactment of this A	ct and each yea	r thereafter,
25	the Secretary	y shall publish in	the Federal I	Register and
26	on a publicly	available website	e a report on t	he status of

1	each continuing authority program, which, at a minimum,
2	shall include—
3	(1) the name and a short description of each
4	active continuing authority program project;
5	(2) the cost estimate to complete each active
6	project; and
7	(3) the funding available in that fiscal year for
8	each continuing authority program.
9	(d) Congressional Notification.—On publication
10	in the Federal Register under subsections (b) and (c), the
11	Secretary shall submit to the Committee on Environment
12	and Public Works of the Senate and the Committee on
13	Transportation and Infrastructure of the House of Rep-
14	resentatives a copy of all information published under
15	those subsections.
16	SEC. 2005. FISH AND WILDLIFE MITIGATION.
17	(a) In General.—Section 906 of the Water Re-
18	sources Development Act of 1986 (33 U.S.C. 2283) is
19	amended—
20	(1) in subsection (d)—
21	(A) in paragraph (1)—
22	(i) in the first sentence—
23	(I) by inserting "for damages to
24	ecological resources, including terres-

1	trial and aquatic resources, and" after
2	"mitigate";
3	(II) by inserting "ecological re-
4	sources and" after "impact on"; and
5	(III) by inserting "without the
6	implementation of mitigation meas-
7	ures" before the period; and
8	(ii) by inserting before the last sen-
9	tence the following: "If the Secretary de-
10	termines that mitigation to in-kind condi-
11	tions is not possible, the Secretary shall
12	identify in the report the basis for that de-
13	termination."; and
14	(B) in paragraph (3)—
15	(i) in subparagraph (A), by inserting
16	", at a minimum," after "complies with";
17	and
18	(ii) in subparagraph (B)—
19	(I) by striking clause (iii);
20	(II) by redesignating clauses (iv)
21	and (v) as clauses (v) and (vi), respec-
22	tively; and
23	(III) by inserting after clause (ii)
24	the following:

1	"(iii) for projects where mitigation
2	will be carried out by the Secretary—
3	"(I) a description of the land and
4	interest in land to be acquired for the
5	mitigation plan;
6	"(II) the basis for a determina-
7	tion that the land and interests are
8	available for acquisition; and
9	"(III) a determination that the
10	proposed interest sought does not ex-
11	ceed the minimum interest in land
12	necessary to meet the mitigation re-
13	quirements for the project;
14	"(iv) for projects where mitigation will
15	be carried out through a third party miti-
16	gation arrangement in accordance with
17	subsection (i)—
18	"(I) a description of the third
19	party mitigation instrument to be
20	used; and
21	"(II) the basis for a determina-
22	tion that the mitigation instrument
23	can meet the mitigation requirements
24	for the project;"; and
25	(2) by adding at the end the following:

- 1 "(h) Programmatic Mitigation Plans.—
- "(1) IN GENERAL.—The Secretary may develop

 1 or more programmatic mitigation plans to address

 the potential impacts to ecological resources, fish,

 and wildlife associated with existing or future water

 resources development projects.
 - "(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).
 - "(3) Non-federal plans.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.
 - "(4) Scope.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of exist-

1	ing or future water resources development projects
2	may—
3	"(A) be developed on a regional, eco-
4	system, watershed, or statewide scale;
5	"(B) encompass multiple environmental re-
6	sources within a defined geographical area or
7	focus on a specific resource, such as aquatic re-
8	sources or wildlife habitat; and
9	"(C) address impacts from all projects in
10	a defined geographical area or focus on a spe-
11	cific type of project.
12	"(5) Consultation.—The scope of the plan
13	shall be determined by the Secretary or an entity de-
14	scribed in paragraph (3), as appropriate, in con-
15	sultation with the agency with jurisdiction over the
16	resources being addressed in the environmental miti-
17	gation plan.
18	"(6) Contents.—A programmatic environ-
19	mental mitigation plan may include—
20	"(A) an assessment of the condition of en-
21	vironmental resources in the geographical area
22	covered by the plan, including an assessment of
23	recent trends and any potential threats to those
24	resources;

1	"(B) an assessment of potential opportuni-
2	ties to improve the overall quality of environ-
3	mental resources in the geographical area cov-
4	ered by the plan through strategic mitigation
5	for impacts of water resources development
6	projects;
7	"(C) standard measures for mitigating cer-
8	tain types of impacts;
9	"(D) parameters for determining appro-
10	priate mitigation for certain types of impacts
11	such as mitigation ratios or criteria for deter-
12	mining appropriate mitigation sites;
13	"(E) adaptive management procedures
14	such as protocols that involve monitoring pre-
15	dicted impacts over time and adjusting mitiga-
16	tion measures in response to information gath-
17	ered through the monitoring;
18	"(F) acknowledgment of specific statutory
19	or regulatory requirements that must be satis-
20	fied when determining appropriate mitigation
21	for certain types of resources; and
22	"(G) any offsetting benefits of self-miti-
23	gating projects, such as ecosystem or resource
24	restoration and protection.

1	"(7) Process.—Before adopting a pro-
2	grammatic environmental mitigation plan for use
3	under this subsection, the Secretary shall—
4	"(A) for a plan developed by the Sec-
5	retary—
6	"(i) make a draft of the plan available
7	for review and comment by applicable envi-
8	ronmental resource agencies and the pub-
9	lie; and
10	"(ii) consider any comments received
11	from those agencies and the public on the
12	draft plan; and
13	"(B) for a plan developed under paragraph
14	(3), determine, not later than 180 days after
15	receiving the plan, whether the plan meets the
16	requirements of paragraphs (4) through (6) and
17	was made available for public comment.
18	"(8) Integration with other plans.—A
19	programmatic environmental mitigation plan may be
20	integrated with other plans, including watershed
21	plans, ecosystem plans, species recovery plans,
22	growth management plans, and land use plans.
23	"(9) Consideration in project develop-
24	MENT AND PERMITTING.—If a programmatic envi-
25	ronmental mitigation plan has been developed under

1	this subsection, any Federal agency responsible for
2	environmental reviews, permits, or approvals for a
3	water resources development project may use the
4	recommendations in that programmatic environ-
5	mental mitigation plan when carrying out the re-
6	sponsibilities of the agency under the National Envi-
7	ronmental Policy Act of 1969 (42 U.S.C. 4321 et
8	seq.).
9	"(10) Preservation of existing authori-
10	TIES.—Nothing in this subsection limits the use of
11	programmatic approaches to reviews under the Na-
12	tional Environmental Policy Act of 1969 (42 U.S.C.
13	4321 et seq.).
14	"(i) Third-Party Mitigation Arrangements.—
15	"(1) Eligible activities.—In accordance
16	with all applicable Federal laws (including regula-
17	tions), mitigation efforts carried out under this sec-
18	tion may include—
19	"(A) participation in mitigation banking or
20	other third-party mitigation arrangements, such
21	as—
22	"(i) the purchase of credits from com-
23	mercial or State, regional, or local agency-
24	sponsored mitigation banks; and

1	"(ii) the purchase of credits from in-
2	lieu fee mitigation programs; and
3	"(B) contributions to statewide and re-
4	gional efforts to conserve, restore, enhance, and
5	create natural habitats and wetlands.
6	"(2) Inclusion of other activities.—The
7	banks, programs, and efforts described in paragraph
8	(1) include any banks, programs, and efforts devel-
9	oped in accordance with applicable law (including
10	regulations).
11	"(3) Terms and conditions.—In carrying out
12	natural habitat and wetlands mitigation efforts
13	under this section, contributions to the mitigation ef-
14	fort may—
15	"(A) take place concurrent with, or in ad-
16	vance of, the commitment of funding to a
17	project; and
18	"(B) occur in advance of project construc-
19	tion only if the efforts are consistent with all
20	applicable requirements of Federal law (includ-
21	ing regulations) and water resources develop-
22	ment planning processes.
23	"(4) Preference.—At the request of the non-
24	Federal project sponsor, preference may be given, to
25	the maximum extent practicable, to mitigating an

- 1 environmental impact through the use of a mitiga-
- 2 tion bank, in-lieu fee, or other third-party mitigation
- arrangement, if the use of credits from the mitiga-
- 4 tion bank or in-lieu fee, or the other third-party
- 5 mitigation arrangement for the project has been ap-
- 6 proved by the applicable Federal agency.
- 7 "(j) Use of Funds.—The Secretary may use funds
- 8 made available for preconstruction engineering and design
- 9 prior to authorization of project construction to acquire
- 10 interests in land necessary for meeting the mitigation re-
- 11 quirements of this section.".
- 12 (b) APPLICATION.—The amendments made by sub-
- 13 section (a) shall not apply to a project for which a mitiga-
- 14 tion plan has been completed as of the date of enactment
- 15 of this Act.
- 16 (c) Technical Assistance.—
- 17 (1) IN GENERAL.—The Secretary may provide
- technical assistance to States and local governments
- to establish third-party mitigation instruments, in-
- cluding mitigation banks and in-lieu fee programs,
- 21 that will help to target mitigation payments to high-
- 22 priority ecosystem restoration actions.
- 23 (2) REQUIREMENTS.—In providing technical as-
- sistance under this subsection, the Secretary shall
- give priority to States and local governments that

1	have developed State, regional, or watershed-based
2	plans identifying priority restoration actions.
3	(3) MITIGATION INSTRUMENTS.—The Secretary
4	shall seek to ensure any technical assistance pro-
5	vided under this subsection will support the estab-
6	lishment of mitigation instruments that will result in
7	restoration of high-priority areas identified in the
8	plans under paragraph (2).
9	SEC. 2006. MITIGATION STATUS REPORT.
10	Section 2036(b) of the Water Resources Development
11	Act of 2007 (33 U.S.C. 2283a) is amended—
12	(1) by redesignating paragraph (3) as para-
13	graph (4); and
14	(2) by inserting after paragraph (2) the fol-
15	lowing:
16	"(3) Information included.—In reporting
17	the status of all projects included in the report, the
18	Secretary shall—
19	"(A) use a uniform methodology for deter-
20	mining the status of all projects included in the
21	report;
22	"(B) use a methodology that describes
23	both a qualitative and quantitative status for all
24	projects in the report; and

1	"(C) provide specific dates for and partici-
2	pants in the consultations required under sec-
3	tion 906(d)(4)(B) of the Water Resources De-
4	velopment Act of 1986 (33 U.S.C.
5	2283(d)(4)(B)).".
6	SEC. 2007. INDEPENDENT PEER REVIEW.
7	(a) Timing of Peer Review.—Section 2034(b) of
8	the Water Resources Development Act of 2007 (33 U.S.C.
9	2343(b)) is amended—
10	(1) by redesignating paragraph (3) as para-
11	graph (4); and
12	(2) by inserting after paragraph (2) the fol-
13	lowing:
14	"(3) Reasons for Timing.—If the Chief of
15	Engineers does not initiate a peer review for a
16	project study at a time described in paragraph (2),
17	the Chief shall—
18	"(A) not later than 7 days after the date
19	on which the Chief of Engineers determines not
20	to initiate a peer review—
21	"(i) notify the Committee on Environ-
22	ment and Public Works of the Senate and
23	the Committee on Transportation and In-
24	frastructure of the House of Representa-
25	tives of that decision: and

1	"(ii) make publicly available, including
2	on the Internet the reasons for not con-
3	ducting the review; and
4	"(B) include the reasons for not con-
5	ducting the review in the decision document for
6	the project study.".
7	(b) Establishment of Panels.—Section 2034(c)
8	of the Water Resources Development Act of 2007 (33
9	U.S.C. 2343(c)) is amended by striking paragraph (4) and
10	inserting the following:
11	"(4) Congressional and public notifica-
12	TION.—Following the identification of a project
13	study for peer review under this section, but prior to
14	initiation of the review by the panel of experts, the
15	Chief of Engineers shall, not later than 7 days after
16	the date on which the Chief of Engineers determines
17	to conduct a review—
18	"(A) notify the Committee on Environment
19	and Public Works of the Senate and the Com-
20	mittee on Transportation and Infrastructure of
21	the House of Representatives of the review; and
22	"(B) make publicly available, including on
23	the Internet, information on—
24	"(i) the dates scheduled for beginning
25	and ending the review;

1	"(ii) the entity that has the contract
2	for the review; and
3	"(iii) the names and qualifications of
4	the panel of experts.".
5	(c) Recommendations of Panel.—Section 2034(f)
6	of the Water Resources Development Act of 2007 (33
7	U.S.C. 2343(f)) is amended by striking paragraph (2) and
8	inserting the following:
9	"(2) Public availability and submission
10	TO CONGRESS.—After receiving a report on a project
11	study from a panel of experts under this section, the
12	Chief of Engineers shall make available to the pub-
13	lic, including on the Internet, and submit to the
14	Committee on Environment and Public Works of the
15	Senate and the Committee on Transportation and
16	Infrastructure of the House of Representatives—
17	"(A) a copy of the report not later than 7
18	days after the date on which the report is deliv-
19	ered to the Chief of Engineers; and
20	"(B) a copy of any written response of the
21	Chief of Engineers on recommendations con-
22	tained in the report not later than 3 days after
23	the date on which the response is delivered to
24	the Chief of Engineers.

1	"(3) Inclusion in project study.—A report
2	on a project study from a panel of experts under
3	this section and the written response of the Chief of
4	Engineers shall be included in the final decision doc-
5	ument for the project study.".
6	(d) Applicability.—Section 2034(h)(2) of the
7	Water Resources Development Act of 2007 (33 U.S.C.
8	2343(h)(2)) is amended by striking "7 years" and insert-
9	ing "12 years".
10	SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION
11	AND HYDROELECTRIC FACILITIES.
12	(a) In General.—Section 314 of the Water Re-
13	sources Development Act of 1990 (33 U.S.C. 2321) is
14	amended—
15	(1) by striking the heading and inserting the
16	following:
17	"SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION
18	AND HYDROELECTRIC FACILITIES.";
19	(2) in the first sentence, by striking "Activities
20	currently performed" and inserting the following:
21	"(a) In General.—Activities currently performed";
22	(3) in the second sentence, by striking "This
23	section" and inserting the following:
24	"(b) Major Maintenance Contracts Al-
25	LOWED.—This section";

1	(4) in subsection (a) (as designated by para-
2	graph (2)), by inserting "navigation or" before "hy-
3	droelectric"; and
4	(5) by adding at the end the following:
5	"(c) Exclusion.—This section shall not—
6	"(1) apply to those navigation facilities that
7	have been or are currently under contract with a
8	non-Federal interest to perform operations and
9	maintenance as of the date of enactment of the
10	Water Resources Development Act of 2013; and
11	"(2) prohibit the Secretary from contracting
12	out future commercial activities at those navigation
13	facilities.".
14	(b) CLERICAL AMENDMENT.—The table of contents
15	contained in section 1(b) of the Water Resources Develop-
16	ment Act of 1990 (104 Stat. 4604) is amended by striking
17	the item relating to section 314 and inserting the fol-
18	lowing:
	"Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.".
19	SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILI-
20	TIES.
21	(a) FINDINGS.—Congress finds that—
22	(1) in April 2012, the Oak Ridge National Lab-
23	oratory of the Department of Energy (referred to in
24	this section as the "Oak Ridge Lab") released a re-

1	port finding that adding hydroelectric power to the
2	non-powered dams of the United States has the po-
3	tential to add more than 12 gigawatts of new gener
4	ating capacity;
5	(2) the top 10 non-powered dams identified by
6	the Oak Ridge Lab as having the highest hydro-
7	electric power potential could alone supply 3
8	gigawatts of generating capacity;
9	(3) of the 50 non-powered dams identified by
10	the Oak Ridge Lab as having the highest hydro-
11	electric power potential, 48 are Corps of Engineers
12	civil works projects;
13	(4) promoting non-Federal hydroelectric power
14	at Corps of Engineers civil works projects increases
15	the taxpayer benefit of those projects;
16	(5) the development of non-Federal hydro-
17	electric power at Corps of Engineers civil works
18	projects—
19	(A) can be accomplished in a manner that
20	is consistent with authorized project purposes
21	and the responsibilities of the Corps of Engi-
22	neers to protect the environment; and
23	(B) in many instances, may have addi-
24	tional environmental benefits; and

1	(6) the development of non-Federal hydro-
2	electric power at Corps of Engineers civil works
3	projects could be promoted through—
4	(A) clear and consistent lines of responsi-
5	bility and authority within and across Corps of
6	Engineers districts and divisions on hydro-
7	electric power development activities;
8	(B) consistent and corresponding processes
9	for reviewing and approving hydroelectric power
10	development; and
11	(C) developing a means by which non-Fed-
12	eral hydroelectric power developers and stake-
13	holders can resolve disputes with the Corps of
14	Engineers concerning hydroelectric power devel-
15	opment activities at Corps of Engineers civil
16	works projects.
17	(b) Policy.—Congress declares that it is the policy
18	of the United States that—
19	(1) the development of non-Federal hydro-
20	electric power at Corps of Engineers civil works
21	projects, including locks and dams, shall be given
22	priority;
23	(2) Corps of Engineers approval of non-Federal
24	hydroelectric power at Corps of Engineers civil
25	works projects, including permitting required under

1	section 14 of the Act of March 3, 1899 (33 U.S.C
2	408), shall be completed by the Corps of Engineers
3	in a timely and consistent manner; and
4	(3) approval of hydropower at Corps of Engi-
5	neers civil works projects shall in no way diminish
6	the other priorities and missions of the Corps of En-
7	gineers, including authorized project purposes and
8	habitat and environmental protection.
9	(c) REPORT.—Not later than 1 year after the date
10	of enactment of this Act and each year thereafter, the Sec-
11	retary shall submit to the Committee on Environment and
12	Public Works of the Senate and the Committee on Trans-
13	portation and Infrastructure of the House of Representa-
14	tives a report that, at a minimum, shall include—
15	(1) a description of initiatives carried out by
16	the Secretary to encourage the development of hy-
17	droelectric power by non-Federal entities at Corps of
18	Engineers civil works projects;
19	(2) a list of all new hydroelectric power activi-
20	ties by non-Federal entities approved at Corps of
21	Engineers civil works projects in that fiscal year, in-
22	cluding the length of time the Secretary needed to

(3) a description of the status of each pending application from non-Federal entities for approval to

approve those activities;

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1	develop hydroelectric power at Corps of Engineers
2	civil works projects;
3	(4) a description of any benefits or impacts to
4	the environment, recreation, or other uses associated
5	with Corps of Engineers civil works projects at
6	which non-Federal entities have developed hydro-
7	electric power in the previous fiscal year; and
8	(5) the total annual amount of payments or
9	other services provided to the Corps of Engineers,
10	the Treasury, and any other Federal agency as a re-
11	sult of approved non-Federal hydropower projects at
12	Corps of Engineers civil works projects.
13	SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU-
13 14	SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AU- THORITY.
14	THORITY.
14 15 16	THORITY. (a) Non-Federal Cost Share.—Section 7007 of
14 15 16	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat.
14 15 16 17	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—
14 15 16 17 18	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended— (1) in subsection (a)—
14 15 16 17 18	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended— (1) in subsection (a)— (A) by inserting ", on, or after" after "be-
14 15 16 17 18 19 20	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended— (1) in subsection (a)— (A) by inserting ", on, or after" after "before"; and
14 15 16 17 18 19 20 21	THORITY. (a) Non-Federal Cost Share.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended— (1) in subsection (a)— (A) by inserting ", on, or after" after "before"; and (B) by inserting ", program," after

- 1 (3) by striking subsection (d) and inserting the
- 2 following:
- 3 "(d) Treatment of Credit Between
- 4 Projects.—The value of any land, easements, rights-of-
- 5 way, relocations, and dredged material disposal areas and
- 6 the costs of planning, design, and construction work pro-
- 7 vided by the non-Federal interest that exceed the non-Fed-
- 8 eral cost share for a study, program, or project under this
- 9 title may be applied toward the non-Federal cost share
- 10 for any other study, program, or project carried out under
- 11 this title.".
- 12 (b) Implementation.—Not later than 90 days after
- 13 the date of enactment of this Act, the Secretary, in coordi-
- 14 nation with any relevant agencies of the State of Lou-
- 15 isiana, shall establish a process by which to carry out the
- 16 amendments made by subsection (a)(3).
- 17 (c) Effective Date.—The amendments made by
- 18 subsection (a) take effect on November 8, 2007.
- 19 SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.
- 20 (a) In General.—Subject to subsection (b), the Sec-
- 21 retary may apply credit for in-kind contributions provided
- 22 by a non-Federal interest that is in excess of the required
- 23 non-Federal cost-share for a water resources study or
- 24 project toward the required non-Federal cost-share for a
- 25 different water resources study or project.

1	(b) Restrictions.—
2	(1) In general.—Except for subsection
3	(a)(4)(D)(i) of that section, the requirements of sec
4	tion 221 of the Flood Control Act of 1970 (42
5	U.S.C. 1962d-5b) (as amended by section 2012 or
6	this Act) shall not apply to any credit under this
7	section.
8	(2) Conditions.—Credit in excess of the non
9	Federal cost-share for a study or project may be ap
10	proved under this section only if—
11	(A) the non-Federal interest submits a
12	comprehensive plan to the Secretary that identi
13	fies—
14	(i) the studies and projects for which
15	the non-Federal interest intends to provide
16	in-kind contributions for credit that is in
17	excess of the non-Federal cost share for
18	the study or project; and
19	(ii) the studies and projects to which
20	that excess credit would be applied;
21	(B) the Secretary approves the comprehen
22	sive plan; and
23	(C) the total amount of credit does not ex
24	and the total non-Federal cost share for the

1	studies and projects in the approved com-
2	prehensive plan.
3	(c) Additional Criteria.—In evaluating a request
4	to apply credit in excess of the non-Federal cost-share for
5	a study or project toward a different study or project, the
6	Secretary shall consider whether applying that credit
7	will—
8	(1) help to expedite the completion of a project
9	or group of projects;
10	(2) reduce costs to the Federal Government;
11	and
12	(3) aid the completion of a project that provides
13	significant flood risk reduction or environmental
14	benefits.
15	(d) TERMINATION OF AUTHORITY.—The authority
16	provided in this section shall terminate 10 years after the
17	date of enactment of this Act.
18	(e) Report.—
19	(1) Deadlines.—
20	(A) In general.—Not later than 2 years
21	after the date of enactment of this Act, the Sec-
22	retary shall submit to the Committee on Envi-
23	ronment and Public Works of the Senate and
24	the Committee on Transportation and Infra-
25	structure of the House of Representatives an

1	interim report on the use of the authority under
2	this section.
3	(B) FINAL REPORT.—Not later than 5
4	years after the date of enactment of this Act
5	the Secretary shall submit to the Committee or
6	Environment and Public Works of the Senate
7	and the Committee on Transportation and In-
8	frastructure of the House of Representatives a
9	final report on the use of the authority under
10	this section.
11	(2) Inclusions.—The reports described in
12	paragraph (1) shall include—
13	(A) a description of the use of the author-
14	ity under this section during the reporting pe-
15	riod;
16	(B) an assessment of the impact of the au-
17	thority under this section on the time required
18	to complete projects; and
19	(C) an assessment of the impact of the au-
20	thority under this section on other water re-
21	sources projects.
22	SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.
23	(a) In General.—Section 221(a)(4) of the Flood
24	Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is
25	amended—

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(1) in subparagraph (A), in the matter preceding clause (i) by inserting "or a project under an environmental infrastructure assistance program" after "law";

(2) in subparagraph (C), by striking "In any case" and all that follows through the period at the end and inserting the following:

"(i) Construction.—

"(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

1	"(II) ELIGIBILITY.—Construc-
2	tion that is carried out after the exe-
3	cution of an agreement to carry out
4	work described in subclause (I) and
5	any design activities that are required
6	for that construction, even if the de-
7	sign activity is carried out prior to the
8	execution of the agreement to carry
9	out work, shall be eligible for credit.
10	"(ii) Planning.—
11	"(I) In general.—In any case
12	in which the non-Federal interest is to
13	receive credit under subparagraph (A)
14	for the cost of planning carried out by
15	the non-Federal interest before execu-
16	tion of a feasibility cost sharing agree-
17	ment, the Secretary and the non-Fed-
18	eral interest shall enter into an agree-
19	ment under which the non-Federal in-
20	terest shall carry out such work prior
21	to the non-Federal interest initiating
22	that planning.
23	"(II) Eligibility.—Planning
24	that is carried out by the non-Federa

interest after the execution of an

1	agreement to carry out work described
2	in subclause (I) shall be eligible for
3	credit.";
4	(3) in subparagraph (D)(iii), by striking "sec-
5	tions 101 and 103" and inserting "sections
6	101(a)(2) and $103(a)(1)(A)$ of the Water Resources
7	Development Act of 1986 (33 U.S.C. 2211(a)(2); 33
8	U.S.C. 2213(a)(1)(A))";
9	(4) by redesignating subparagraph (E) as sub-
10	paragraph (H);
11	(5) by inserting after subparagraph (D) the fol-
12	lowing:
13	"(E) Analysis of costs and bene-
14	FITS.—In the evaluation of the costs and bene-
15	fits of a project, the Secretary shall not con-
16	sider construction carried out by a non-Federal
17	interest under this subsection as part of the fu-
18	ture without project condition.
19	"(F) Transfer of credit between
20	SEPARABLE ELEMENTS OF A PROJECT.—Credit
21	for in-kind contributions provided by a non-
22	Federal interest that are in excess of the non-
23	Federal cost share for an authorized separable
24	element of a project may be applied toward the

1	non-Federal cost share for a different author-
2	ized separable element of the same project.
3	"(G) APPLICATION OF CREDIT.—To the
4	extent that credit for in-kind contributions, as
5	limited by subparagraph (D), and credit for re-
6	quired land, easements, rights-of-way, dredged
7	material disposal areas, and relocations pro-
8	vided by the non-Federal interest exceed the
9	non-Federal share of the cost of construction of
10	a project other than a navigation project, the
11	Secretary shall reimburse the difference to the
12	non-Federal interest, subject to the availability
13	of funds."; and
14	(6) in subparagraph (H) (as redesignated by
15	paragraph (4))—
16	(A) in clause (i), by inserting ", and to
17	water resources projects authorized prior to the
18	date of enactment of the Water Resources De-
19	velopment Act of 1986 (Public Law 99–662), if
20	correction of design deficiencies is necessary"
21	before the period at the end; and
22	(B) by striking clause (ii) and inserting the
23	following:
24	"(ii) Authorization in Ad-
25	DITION TO SPECIFIC CREDIT

1 PROVISION.—In any case 2 which a specific provision of law authorizes credit for in-kind con-3 4 tributions provided by a non-Federal interest before the date of 6 execution of a partnership agree-7 ment, the Secretary may apply 8 the authority provided in this 9 paragraph to allow credit for in-10 kind contributions provided by 11 the non-Federal interest on or 12 after the date of execution of the 13 partnership agreement.".

- 14 (b) APPLICABILITY.—Section 2003(e) of the Water 15 Resources Development Act of 2007 (42 U.S.C. 1962d– 16 5b note) is amended by inserting ", or construction of de-17 sign deficiency corrections on the project," after "con-18 struction on the project".
- 19 (c) Effective Date.—The amendments made by 20 subsections (a) and (b) take effect on November 8, 2007.
- 21 (d) Guidelines.—
- 22 (1) IN GENERAL.—Not later than 1 year after 23 the date of enactment of this Act, the Secretary 24 shall update any guidance or regulations for car-25 rying out section 221(a)(4) of the Flood Control Act

1	of 1970 (42 U.S.C. $1962d-5b(a)(4)$) (as amended by
2	subsection (a)) that are in existence on the date of
3	enactment of this Act or issue new guidelines, as de-
4	termined to be appropriate by the Secretary.
5	(2) Inclusions.—Any guidance, regulations, or
6	guidelines updated or issued under paragraph (1)
7	shall include, at a minimum—
8	(A) the milestone for executing an in-kind
9	memorandum of understanding for construction
10	by a non-Federal interest;
11	(B) criteria and procedures for evaluating
12	a request to execute an in-kind memorandum of
13	understanding for construction by a non-Fed-
14	eral interest that is earlier than the milestone
15	under subparagraph (A) for that execution; and
16	(C) criteria and procedures for determining
17	whether work carried out by a non-Federal in-
18	terest is integral to a project.
19	(3) Public and Stakeholder Participa-
20	TION.—Before issuing any new or revised guidance,
21	regulations, or guidelines or any subsequent updates
22	to those documents, the Secretary shall—
23	(A) consult with affected non-Federal in-
24	terests;

1	(B) publish the proposed guidelines devel-
2	oped under this subsection in the Federal Reg-
3	ister; and
4	(C) provide the public with an opportunity
5	to comment on the proposed guidelines.
6	(e) Other Credit.—Nothing in section 221(a)(4) of
7	the Flood Control Act of 1970 (42 U.S.C. 1962d-
8	5b(a)(4)) (as amended by subsection (a)) affects any eligi-
9	bility for credit under section 104 of the Water Resources
10	Development of 1986 (33 U.S.C. 2214) that was approved
11	by the Secretary prior to the date of enactment of this
12	Act.
13	SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.
14	Section 211(e)(2) of the Water Resources Develop-
15	ment Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended
16	by adding at the end the following:
17	"(C) STUDIES OR OTHER PROJECTS.—On
18	the request of a non-Federal interest, in lieu of
19	reimbursing a non-Federal interest the amount
20	equal to the estimated Federal share of the cost
21	of an authorized flood damage reduction project
22	or a separable element of an authorized flood
23	damage reduction project under this subsection
24	that has been constructed by the non-Federal
25	interest under this section as of the date of en-

1	actment of this Act, the Secretary may provide
2	the non-Federal interest with a credit in that
3	amount, which the non-Federal interest may
4	apply to the share of the cost of the non-Fed-
5	eral interest of carrying out other flood damage
6	reduction projects or studies.".
7	SEC. 2014. DAM OPTIMIZATION.
8	(a) DEFINITIONS.—In this section:
9	(1) Other related project benefits.—
10	The term "other related project benefits" includes—
11	(A) environmental protection and restora-
12	tion, including restoration of water quality and
13	water flows, improving movement of fish and
14	other aquatic species, and restoration of
15	floodplains, wetlands, and estuaries;
16	(B) increased water supply storage;
17	(C) increased hydropower generation;
18	(D) reduced flood risk;
19	(E) additional navigation; and
20	(F) improved recreation.
21	(2) Water control plan.—The term "water
22	control plan" means—
23	(A) a plan for coordinated regulation
24	schedules for project or system regulation; and

1	(B) such additional provisions as may be
2	required to collect, analyze, and disseminate
3	basic data, prepare detailed operating instruc-
4	tions, ensure project safety, and carry out regu-
5	lation of projects in an appropriate manner.
6	(b) Program.—
7	(1) In general.—The Secretary may carry out
8	activities—
9	(A) to improve the efficiency of the oper-
10	ations and maintenance of dams and related in-
11	frastructure operated by the Corps of Engi-
12	neers; and
13	(B) to maximize, to the extent prac-
14	ticable—
15	(i) authorized project purposes; and
16	(ii) other related project benefits.
17	(2) Eligible activities.—An eligible activity
18	under this section is any activity that the Secretary
19	would otherwise be authorized to carry out that is
20	designed to provide other related project benefits in
21	a manner that does not adversely impact the author-
22	ized purposes of the project, including—
23	(A) the review of project operations on a
24	regular and timely basis to determine the po-
25	tential for operational changes:

1	(B) carrying out any investigation or study
2	the Secretary determines to be necessary; and
3	(C) the revision or updating of a water
4	control plan or other modification of the oper-
5	ation of a water resource project.
6	(3) Impact on authorized purposes.—An
7	activity carried out under this section shall not ad-
8	versely impact any of the authorized purposes of the
9	project.
10	(4) Effect on existing agreements.—
11	Nothing in this section supersedes or modifies any
12	written agreement between the Federal Government
13	and a non-Federal interest that is in effect on the
14	date of enactment of this Act.
15	(5) Other laws.—
16	(A) In general.—An activity carried out
17	under this section shall comply with all other
18	applicable laws (including regulations).
19	(B) Water supply.—Any activity carried
20	out under this section that results in any modi-
21	fication to water supply storage allocations at a
22	reservoir operated by the Secretary shall comply
23	with section 301 of the Water Supply Act of
24	1958 (43 U.S.C. 390b).

1 (c) Policies, Regulations, and Guidance.—The 2 Secretary shall carry out a review of, and as necessary 3 modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection 5 (b). 6 (d) Coordination.— 7 (1) In General.—The Secretary shall coordi-8 nate all planning and activities carried out under 9 this section with appropriate Federal, State, and 10 local agencies and those public and private entities 11 that the Secretary determines may be affected by 12 those plans or activities. (2) Non-federal interests.—Prior to car-13 14 rying out an activity under this section, the Sec-15 retary shall consult with any applicable non-Federal 16 interest of the affected dam or related infrastruc-17 ture. 18 (e) Reports.— 19 (1) IN GENERAL.—Not later than 2 years after 20 the date of enactment of this Act and every 2 years 21 thereafter, the Secretary shall submit to Congress a 22 report describing the actions carried out under this 23 section. 24 INCLUSIONS.—Each report under para-25 graph (1) shall include—

1	(A) a schedule for reviewing the operations
2	of individual projects; and
3	(B) any recommendations of the Secretary
4	on changes that the Secretary determines to be
5	necessary—
6	(i) to carry out existing projection au-
7	thorizations, including the deauthorization
8	of any water resource project that the Sec-
9	retary determines could more effectively be
10	achieved through other means;
11	(ii) to improve the efficiency of water
12	resource project operations; and
13	(iii) to maximize authorized project
14	purposes and other related project benefits.
15	(3) Updated report.—
16	(A) IN GENERAL.—Not later than 2 years
17	after the date of enactment of this Act, the Sec-
18	retary shall update the report entitled "Author-
19	ized and Operating Purposes of Corps of Engi-
20	neers Reservoirs" and dated July 1992, which
21	was produced pursuant to section 311 of the
22	Water Resources Development Act of 1990
23	(104 Stat. 4639).
24	(B) Inclusions.—The updated report de-
25	scribed in subparagraph (A) shall include—

1	(i) the date on which the most recent
2	review of project operations was conducted
3	and any recommendations of the Secretary
4	relating to that review the Secretary deter-
5	mines to be significant; and
6	(ii) the dates on which the rec-
7	ommendations described in clause (i) were
8	carried out.
9	(f) Funding.—
10	(1) In general.—The Secretary may use to
11	carry out this section amounts made available to the
12	Secretary from—
13	(A) the general purposes and expenses ac-
14	$\operatorname{count};$
15	(B) the operations and maintenance ac-
16	count; and
17	(C) any other amounts that are appro-
18	priated to carry out this section.
19	(2) Funding from other sources.—The
20	Secretary may accept and expend amounts from
21	non-Federal entities and other Federal agencies to
22	carry out this section.
23	(g) Cooperative Agreements.—The Secretary
24	may enter into cooperative agreements with other Federal
25	agencies and non-Federal entities to carry out this section.

1 SEC. 2015. WATER SUPPLY.

2	Section 301 of the Water Supply Act of 1958 (43
3	U.S.C. 390b) is amended by striking subsection (d) and
4	inserting the following:
5	"(d) Congressional Approval of Modifications
6	OF RESERVOIR PROJECTS.—Congressional approval shall
7	be required for any modification of a reservoir project that
8	has been authorized, surveyed, planned, or constructed to
9	include storage for municipal or industrial water supply
10	if, when considered cumulatively with all previous modi-
11	fications of the project, the modification would—
12	"(1) seriously affect the purposes for which the
13	project was authorized, surveyed, planned, or con-
14	structed;
15	"(2) involve major structural or operational
16	changes; or
17	"(3) involve an allocation or reallocation of
18	storage that is equal to or exceeds 5 percent of the
19	conservation storage pool of the project.".
20	SEC. 2016. REPORT ON WATER STORAGE PRICING FOR-
21	MULAS.
22	(a) FINDINGS.—Congress finds that—
23	(1) due to the ongoing drought in many parts
24	of the United States, communities are looking for
25	ways to enhance their water storage on Corps of En-

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1	gineer reservoirs so as to maintain a reliable supply
2	of water into the foreseeable future;
3	(2) water storage pricing formulas should be
4	equitable and not create disparities between users;
5	and
6	(3) water pricing formulas should not be cost-
7	prohibitive for communities.
8	(b) Assessment.—
9	(1) In general.—Not later than 180 days
10	after the date of enactment of this Act, the Comp-
11	troller General of the United States shall initiate an
12	assessment of the water storage pricing formulas of
13	the Corps of Engineers, which shall include an as-
14	sessment of—
15	(A) existing water storage pricing formulas
16	of the Corps of Engineers, in particular wheth-
17	er those formulas produce water storage costs
18	for some beneficiaries that are greatly disparate
19	from the costs of other beneficiaries; and
20	(B) whether equitable water storage pric-
21	ing formulas could lessen the disparate impact
22	and produce more affordable water storage for

potential beneficiaries.

1	(2) Report.—The Comptroller General of the
2	United States shall submit to Congress a report on
3	the assessment carried out under paragraph (1).
4	SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED
5	WORK.
6	(a) In General.—The Secretary may carry out
7	measures to improve fish species habitat within the foot-
8	print and downstream of a water resources project con-
9	structed by the Secretary that includes a fish hatchery if
10	the Secretary—
11	(1) has been explicitly authorized to compensate
12	for fish losses associated with the project; and
13	(2) determines that the measures are—
14	(A) feasible;
15	(B) consistent with authorized project pur-
16	poses and the fish hatchery; and
17	(C) in the public interest.
18	(b) Cost Sharing.—
19	(1) In general.—Subject to paragraph (2),
20	the non-Federal interest shall contribute 35 percent
21	of the total cost of carrying out activities under this
22	section, including the costs relating to the provision
23	or acquisition of required land, easements, rights-of-
24	way, dredged material disposal areas, and reloca-
25	tions.

1	(2) OPERATION AND MAINTENANCE.—The non-
2	Federal interest shall contribute 100 percent of the
3	costs of operation, maintenance, replacement, repair,
4	and rehabilitation of a project constructed under
5	this section.
6	(c) Authorization of Appropriations.—For each
7	fiscal year, there is authorized to be appropriated to carry
8	out this section \$30,000,000.
9	SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASI-
10	BILITY STUDIES.
11	At the request of the non-Federal interest, the Sec-
12	retary shall include as part of a regional or watershed
13	study any Federal land that is located within the geo-
14	graphic scope of that study.
15	SEC. 2019. PLANNING ASSISTANCE TO STATES.
16	Section 22 of the Water Resources Development Act
17	of 1974 (42 U.S.C. 1962d–16) is amended—
18	(1) in subsection (a)—
19	(A) in paragraph (1)—
20	(i) by inserting "or other stakeholder
21	working with a State" after "cooperate
22	with any State"; and
23	(ii) by inserting ", including plans to
24	comprehensively address water resources
25	challenges," after "of such State"; and

1	(B) in paragraph (2)(A), by striking ", at
2	Federal expense,";
3	(2) in subsection (b)—
4	(A) in paragraph (1), by striking "sub-
5	section (a)(1)" each place it appears and insert-
6	ing "subsection (a)";
7	(B) by redesignating paragraphs (2) and
8	(3) as paragraphs (3) and (4), respectively; and
9	(C) by inserting after paragraph (1) the
10	following:
11	"(2) Contributed funds.—The Secretary
12	may accept and expend funds in excess of the fees
13	established under paragraph (1) that are provided
14	by a State or other non-Federal public body for as-
15	sistance under this section."; and
16	(3) in subsection (e)—
17	(A) in paragraph (1)—
18	(i) by striking "\$10,000,000" and in-
19	serting "\$30,000,000"; and
20	(ii) by striking "\$2,000,000" and in-
21	serting "\$5,000,000 in Federal funds";
22	and
23	(B) in paragraph (2), by striking
24	"\$5,000,000" and inserting "\$15,000,000".

1 SEC. 2020. VEGETATION MANAGEMENT POLICY.

2	(a) Definition of National Guidelines.—In this
3	section, the term "national guidelines" means the Corps
4	of Engineers policy guidelines for management of vegeta-
5	tion on levees, including—
6	(1) Engineering Technical Letter 1110–2–571
7	entitled "Guidelines for Landscape Planting and
8	Vegetation Management at Levees, Floodwalls, Em-
9	bankment Dams, and Appurtenant Structures" and
10	adopted April 10, 2009; and
11	(2) the draft policy guidance letter entitled
12	"Process for Requesting a Variance from Vegetation
13	Standards for Levees and Floodwalls" (77 Fed. Reg.
14	9637 (Feb. 17, 2012)).
15	(b) Review.—Not later than 180 days after the date
16	of enactment of this Act, the Secretary shall carry out a
17	comprehensive review of the national guidelines in order
18	to determine whether current Federal policy relating to
19	levee vegetation is appropriate for all regions of the United
20	States.
21	(c) Factors.—
22	(1) In general.—In carrying out the review,
23	the Secretary shall consider—
24	(A) the varied interests and responsibilities
25	in managing flood risks including the need—

1	(i) to provide for levee safety with lim-
2	ited resources; and
3	(ii) to ensure that levee safety invest-
4	ments minimize environmental impacts and
5	provide corresponding public safety bene-
6	fits;
7	(B) the levee safety benefits that can be
8	provided by woody vegetation;
9	(C) the preservation, protection, and en-
10	hancement of natural resources, including—
11	(i) the benefit of vegetation on levees
12	in providing habitat for endangered
13	threatened, and candidate species; and
14	(ii) the impact of removing level vege-
15	tation on compliance with other regulatory
16	requirements;
17	(D) protecting the rights of Indian tribes
18	pursuant to treaties and statutes;
19	(E) the available science and the historical
20	record regarding the link between vegetation or
21	levees and flood risk;
22	(F) the avoidance of actions requiring sig-
23	nificant economic costs and environmental im-
24	pacts; and

1	(G) other factors relating to the factors de-
2	scribed in subparagraphs (A) through (F) iden-
3	tified in public comments that the Secretary de-
4	termines to be appropriate.
5	(2) Variance considerations.—
6	(A) In general.—In carrying out the re-
7	view, the Secretary shall specifically consider
8	whether the national guidelines can be amended
9	to promote and allow for consideration of
10	variances from national guidelines on a State-
11	wide, tribal, regional, or watershed basis, in-
12	cluding variances based on—
13	(i) soil conditions;
14	(ii) hydrologic factors;
15	(iii) vegetation patterns and charac-
16	teristics;
17	(iv) environmental resources, includ-
18	ing endangered, threatened, or candidate
19	species and related regulatory require-
20	ments;
21	(v) levee performance history, includ-
22	ing historical information on original con-
23	struction and subsequent operation and
24	maintenance activities;
25	(vi) any effects on water supply;

1	(vii) any scientific evidence on the link
2	between level vegetation and level safety;
3	(viii) institutional considerations, in-
4	cluding implementation challenges;
5	(ix) the availability of limited funds
6	for levee construction and rehabilitation;
7	(x) the economic and environmental
8	costs of removing woody vegetation on lev-
9	ees; and
10	(xi) other relevant factors identified in
11	public comments that the Secretary deter-
12	mines to be appropriate.
13	(B) Scope.—The scope of a variance ap-
14	proved by the Secretary may include a complete
15	exemption to national guidelines, as the Sec-
16	retary determines to be necessary.
17	(d) Cooperation and Consultation; Rec-
18	OMMENDATIONS.—
19	(1) IN GENERAL.—The Secretary shall carry
20	out the review under this section in consultation
21	with other applicable Federal agencies, representa-
22	tives of State, regional, local, and tribal govern-
23	ments, appropriate nongovernmental organizations,
24	and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) Peer Review.—

- (1) In GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).
- (2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—
- (A) made available to the public; and
- 23 (B) included in supporting materials issued 24 in connection with the revised national guide-25 lines required under subsection (f).

1	(f) REVISION OF NATIONAL GUIDELINES.—
2	(1) In general.—Not later than 2 years after
3	the date of enactment of this Act, the Secretary
4	shall—
5	(A) revise the national guidelines based on
6	the results of the review, including—
7	(i) recommendations received as part
8	of the consultation described in subsection
9	(d)(1); and
10	(ii) the results of the peer review con-
11	ducted under subsection (e); and
12	(B) submit to Congress a report that con-
13	tains a summary of the activities of the Sec-
14	retary and a description of the findings of the
15	Secretary under this section.
16	(2) Content; incorporation into man-
17	UAL.—The revised national guidelines shall—
18	(A) provide a practical, flexible process for
19	approving Statewide, tribal, regional, or water-
20	shed variances from the national guidelines
21	that—
22	(i) reflect due consideration of the fac-
23	tors described in subsection (e); and
24	(ii) incorporate State, tribal, and re-
25	gional vegetation management guidelines

1	for specific areas that have been adopted
2	through a formal public process; and
3	(B) be incorporated into the manual pro-
4	posed under section 5(c) of the Act entitled "An
5	Act authorizing the construction of certain pub-
6	lic works on rivers and harbors for flood con-
7	trol, and for other purposes", approved August
8	18, 1941 (33 U.S.C. 701n(c)).
9	(3) Failure to meet deadlines.—If the
10	Secretary fails to submit a report by the required
11	deadline under this subsection, the Secretary shall
12	submit to the Committee on Environment and Pub-
13	lic Works of the Senate and the Committee on
14	Transportation and Infrastructure of the House of
15	Representatives a detailed explanation of—
16	(A) why the deadline was missed;
17	(B) solutions needed to meet the deadline;
18	and
19	(C) a projected date for submission of the
20	report.
21	(g) CONTINUATION OF WORK.—Concurrent with the
22	completion of the requirements of this section, the Sec-
23	retary shall proceed without interruption or delay with
24	those ongoing or programmed projects and studies, or ele-

- 1 ments of projects or studies, that are not directly related
- 2 to vegetation variance policy.
- 3 (h) Interim Actions.—
- 4 (1) IN GENERAL.—Until the date on which revi5 sions to the national guidelines are adopted in ac6 cordance with subsection (f), the Secretary shall not
 7 require the removal of existing vegetation as a condi8 tion or requirement for any approval or funding of
 9 a project, or any other action, unless the specific
 10 vegetation has been demonstrated to present an un11 acceptable safety risk.
- 12 (2) REVISIONS.—Beginning on the date on 13 which the revisions to the national guidelines are 14 adopted in accordance with subsection (f), the Sec-15 retary shall consider, on request of an affected enti-16 ty, any previous action of the Corps of Engineers in 17 which the outcome was affected by the former na-18 tional guidelines.

19 SEC. 2021. LEVEE CERTIFICATIONS.

- 20 (a) Implementation of Flood Protection
- 21 STRUCTURE ACCREDITATION TASK FORCE.—In carrying
- 22 out section 100226 of the Biggert-Waters Flood Insurance
- 23 Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat.
- 24 942), the Secretary shall—

- 1 (1) ensure that at least 1 program activity car2 ried out under the inspection of completed works
 3 program of the Corps of Engineers provides ade4 quate information to the Secretary to reach a levee
 5 accreditation decision for each requirement under
 6 section 65.10 of title 44, Code of Federal Regula7 tions (or successor regulation); and
- 9 out activities under the inspection of completed 10 works program of the Corps of Engineers in align-11 ment with the schedule established for the national 12 flood insurance program established under chapter 1 13 of the National Flood Insurance Act of 1968 (42 14 U.S.C. 4011 et seq.).
- 15 (b) ACCELERATED LEVEE SYSTEM EVALUATIONS16 AND CERTIFICATIONS.—
- 17 (1) IN GENERAL.—On receipt of a request from 18 a non-Federal interest, the Secretary may carry out 19 a levee system evaluation and certification of a fed-20 erally authorized levee for purposes of the national 21 flood insurance program established under chapter 1 22 of the National Flood Insurance Act of 1968 (42 23 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an eval-24

1	uation and certification would be carried out under
2	subsection (a).
3	(2) Requirements.—A levee system evalua-
4	tion and certification under paragraph (1) shall—
5	(A) at a minimum, comply with section
6	65.10 of title 44, Code of Federal Regulations
7	(as in effect on the date of enactment of this
8	Act); and
9	(B) be carried out in accordance with such
10	procedures as the Secretary, in consultation
11	with the Director of the Federal Emergency
12	Management Agency, may establish.
13	(3) Cost sharing.—
14	(A) Non-federal share.—Subject to
15	subparagraph (B), the non-Federal share of the
16	cost of carrying out a levee system evaluation
17	and certification under this subsection shall be
18	35 percent.
19	(B) Adjustment.—The Secretary shall
20	adjust the non-Federal share of the cost of car-
21	rying out a levee system evaluation and certifi-
22	cation under this subsection in accordance with
23	section 103(m) of the Water Resources Devel-

opment Act of 1986 (33 U.S.C. 2213(m)).

- 1 (4) APPLICATION.—Nothing in this subsection
- 2 affects the requirement under section 100226(b)(2)
- of the Biggert-Waters Flood Insurance Reform Act
- 4 of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

5 SEC. 2022. RESTORATION OF FLOOD AND HURRICANE

- 6 STORM DAMAGE REDUCTION PROJECTS.
- 7 (a) In General.—The Secretary shall carry out any
- 8 measures necessary to restore components of federally au-
- 9 thorized and federally constructed flood and hurricane
- 10 storm damage reduction projects to authorized levels of
- 11 protection for reasons including settlement, subsidence,
- 12 sea level rise, and new datum, if the Secretary determines
- 13 the necessary work is feasible.
- 14 (b) Cost Share.—The non-Federal share of the cost
- 15 of construction of a project carried out under this section
- 16 shall be determined as provided in subsections (a) through
- 17 (d) of section 103 of the Water Resources Development
- 18 Act of 1986 (33 U.S.C. 2213).
- 19 (c) OPERATIONS AND MAINTENANCE.—The non-Fed-
- 20 eral share of the cost of operations, maintenance, repair,
- 21 replacement, and rehabilitation for a project carried out
- 22 under this section shall be 100 percent.
- 23 (d) Eligibility of Projects Transferred to
- 24 Non-Federal Interest.—The Secretary may carry out
- 25 measures described in subsection (a) on a water resources

- 1 project, separable element of a project, or functional com-
- 2 ponent of a project that has been transferred to the non-
- 3 Federal interest.
- 4 (e) Report to Congress.—Not later than 8 years
- 5 after the date of enactment of this Act, the Secretary shall
- 6 submit to the Committee on Environment and Public
- 7 Works of the Senate and the Committee on Transpor-
- 8 tation and Infrastructure of the House of Representatives
- 9 a report on the implementation of this section, including—
- 10 (1) any recommendations relating to the contin-
- 11 ued need for the authority provided in this section;
- 12 (2) a description of the measures carried out
- under this section;
- 14 (3) any lessons learned relating to the measures
- implemented under this section; and
- 16 (4) best practices for carrying out measures to
- 17 restore flood damage reduction projects.
- 18 (f) TERMINATION OF AUTHORITY.—The authority to
- 19 carry out a measure under this section terminates on the
- 20 date that is 10 years after the date of enactment of this
- 21 Act.
- 22 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
- 23 authorized to be appropriated to the Secretary to carry
- 24 out this section \$250,000,000.

1	SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN
2	PROJECTS.
3	The Secretary may assume operation and mainte-
4	nance activities for a navigation channel that is deepened
5	by a non-Federal interest prior to December 31, 2012,
6	if—
7	(1) the Secretary determines that the require-
8	ments under paragraphs (2) and (3) of section
9	204(f) of the Water Resources Development Act of
10	1986 (33 U.S.C. 2232(f)) are met;
11	(2) the Secretary determines that the activities
12	carried out by the non-Federal interest in deepening
13	the navigation channel are economically justified and
14	environmentally acceptable; and
15	(3) the deepening activities have been carried
16	out on a Federal navigation channel that—
17	(A) exists as of the date of enactment of
18	this Act; and
19	(B) has been authorized by Congress.
20	SEC. 2024. DREDGING STUDY.
21	(a) In General.—The Secretary, in conjunction
22	with other relevant Federal agencies and applicable non-
23	Federal interests, shall carry out a study—
24	(1) to compare domestic and international
25	dredging markets, including costs, technologies, and
26	management approaches used in each respective

1	market, and determine the impacts of those markets
2	on dredging needs and practices in the United
3	States;
4	(2) to analyze past and existing practices, tech-
5	nologies, and management approaches used in
6	dredging in the United States; and
7	(3) to develop recommendations relating to the
8	best techniques, practices, and management ap-
9	proaches for dredging in the United States.
10	(b) Purposes.—The purposes of the study under
11	this section are—
12	(1) the identification of the best techniques,
13	methods, and technologies for dredging, including
14	the evaluation of the feasibility, cost, and benefits
15	of—
16	(A) new dredging technologies; and
17	(B) improved dredging practices and tech-
18	niques;
19	(2) the appraisal of the needs of the United
20	States for dredging, including the need to increase
21	the size of private and Corps of Engineers dredging
22	fleets to meet demands for additional construction or
23	maintenance dredging needed as of the date of en-
24	actment of this Act and in the subsequent 20 years;

1	(3) the identification of any impediments to
2	dredging, including any recommendations of appro-
3	priate alternatives for responding to those impedi-
4	ments;
5	(4) the assessment, including any recommenda-
6	tions of appropriate alternatives, of the adequacy
7	and effectiveness of—
8	(A) the economic, engineering, and envi-
9	ronmental methods, models, and analyses used
10	by the Chief of Engineers and private dredging
11	operations for dredging; and
12	(B) the current cost structure of construc-
13	tion contracts entered into by the Chief of En-
14	gineers;
15	(5) the evaluation of the efficiency and effec-
16	tiveness of past, current, and alternative dredging
17	practices and alternatives to dredging, including agi-
18	tation dredging; and
19	(6) the identification of innovative techniques
20	and cost-effective methods to expand regional sedi-
21	ment management efforts, including the placement
22	of dredged sediment within river diversions to accel-
23	erate the creation of wetlands.
24	(c) Study Team.—

1	(1) IN GENERAL.—The Secretary shall establish
2	a study team to assist the Secretary in planning,
3	carrying out, and reporting on the results of the
4	study under this section.
5	(2) Study team.—The study team established
6	pursuant to paragraph (1) shall—
7	(A) be appointed by the Secretary; and
8	(B) represent a broad spectrum of experts
9	in the field of dredging and representatives of
10	relevant State agencies and relevant non-Fed-
11	eral interests.
12	(d) Public Comment Period.—The Secretary
13	shall—
14	(1) make available to the public, including on
15	the Internet, all draft and final study findings under
16	this section; and
17	(2) allow for a public comment period of not
18	less than 30 days on any draft study findings prior
19	to issuing final study findings.
20	(e) Report to Congress.—Not later than 2 years
21	after the date of enactment of this Act, and subject to
22	available appropriations, the Secretary, in consultation
23	with the study team established under subsection (c), shall
24	submit a detailed report on the results of the study to the
25	Committee on Environment and Public Works of the Sen-

1 ate and the Committee on Transportation and Infrastruc-

2	ture of the House of Representatives.
3	(f) Failure To Meet Deadlines.—If the Sec-
4	retary does not complete the study under this section and
5	submit a report to Congress under subsection (e) on or
6	before the deadline described in that subsection, the Sec-
7	retary shall notify Congress and describe why the study
8	was not completed.
9	SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION
10	PILOT PROGRAM.
11	(a) In General.—Not later than 180 days after the
12	date of enactment of this Act, the Secretary shall establish
13	and implement a pilot program to evaluate the cost-effec-
14	tiveness and project delivery efficiency of allowing non-
15	Federal interests to carry out flood risk management, hur-
16	ricane and storm damage reduction, and coastal harbor
17	and channel and inland harbor navigation projects.
18	(b) Purposes.—The purposes of the pilot program
19	are—
20	(1) to identify project delivery and cost-saving
21	alternatives that reduce the backlog of authorized
22	Corps of Engineers projects;
23	(2) to evaluate the technical, financial, and or-
24	ganizational efficiencies of a non-Federal interest

1	carrying out the design, execution, management, and
2	construction of 1 or more projects; and
3	(3) to evaluate alternatives for the decentraliza-
4	tion of the project planning, management, and oper-
5	ational decisionmaking process of the Corps of Engi-
6	neers.
7	(c) Administration.—
8	(1) In General.—In carrying out the pilot
9	program, the Secretary shall—
10	(A) identify a total of not more than 12
11	projects for flood risk management, hurricane
12	and storm damage reduction, including levees,
13	floodwalls, flood control channels, water control
14	structures, and coastal harbor and channel and
15	inland harbor navigation, that have been au-
16	thorized for construction prior to the date of
17	enactment of this Act that—
18	(i)(I) have received Federal funds
19	prior to the date of enactment of this Act;
20	or
21	(II) for more than 2 consecutive fiscal
22	years, have an unobligated funding balance
23	for that project in the Corps of Engineers
24	construction account; and

1	(ii) to the maximum extent prac-
2	ticable, are located in each of the divisions
3	of the Corps of Engineers;
4	(B) notify the Committee on Environment
5	and Public Works of the Senate and the Com-
6	mittee on Transportation and Infrastructure of
7	the House of Representatives on the identifica-
8	tion of each project under the pilot program;
9	(C) in collaboration with the non-Federal
10	interest, develop a detailed project management
11	plan for each identified project that outlines the
12	scope, budget, design, and construction resource
13	requirements necessary for the non-Federal in-
14	terest to execute the project, or a separable ele-
15	ment of the project;
16	(D) on the request of the non-Federal in-
17	terest, enter into a project partnership agree-
18	ment with the non-Federal interest for the non-
19	Federal interest to provide full project manage-
20	ment control for construction of the project, or
21	a separable element of the project, in accord-
22	ance with plans approved by the Secretary;
23	(E) following execution of the project part-
24	nership agreement, transfer to the non-Federal

1	interest to carry out construction of the project,
2	or a separable element of the project—
3	(i) if applicable, the balance of the un-
4	obligated amounts appropriated for the
5	project, except that the Secretary shall re-
6	tain sufficient amounts for the Corps of
7	Engineers to carry out any responsibilities
8	of the Corps of Engineers relating to the
9	project and pilot program; and
10	(ii) additional amounts, as determined
11	by the Secretary, from amounts made
12	available under subsection (h), except that
13	the total amount transferred to the non-
14	Federal interest shall not exceed the up-
15	dated estimate of the Federal share of the
16	cost of construction, including any required
17	design; and
18	(F) regularly monitor and audit each
19	project being constructed by a non-Federal in-
20	terest under this section to ensure that the con-
21	struction activities are carried out in compli-
22	ance with the plans approved by the Secretary
23	and that the construction costs are reasonable.
24	(2) Detailed Project Schedule.—Not later
25	than 180 days after entering into an agreement

- under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for each milestone in the construction of the project.
 - (3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance, relating to—
- 13 (A) any study, engineering activity, and 14 design activity for construction carried out by 15 the non-Federal interest under this section; and
- (B) expeditiously obtaining any permits
 necessary for the project.
- 18 (d) Cost-Share.—Nothing in this section affects the 19 cost-sharing requirement applicable on the day before the 20 date of enactment of this Act to a project carried out 21 under this section.
- 22 (e) Report.—

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23 (1) IN GENERAL.—Not later than 2 years after 24 the date of enactment of this Act, the Secretary 25 shall submit to the Committee on Environment and

- Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—
 - (A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and
 - (B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.
 - (2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).
 - (3) Failure to meet deadline.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Trans-

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- 1 portation and Infrastructure of the House of Rep-
- 2 resentatives a detailed explanation of why the dead-
- 3 line was missed and a projected date for submission
- 4 of the report.
- 5 (f) ADMINISTRATION.—All laws and regulations that
- 6 would apply to the Secretary if the Secretary were car-
- 7 rying out the project shall apply to a non-Federal interest
- 8 carrying out a project under this section.
- 9 (g) TERMINATION OF AUTHORITY.—The authority to
- 10 commence a project under this section terminates on the
- 11 date that is 5 years after the date of enactment of this
- 12 Act.
- 13 (h) Authorization of Appropriations.—In addi-
- 14 tion to any amounts appropriated for a specific project,
- 15 there is authorized to be appropriated to the Secretary to
- 16 carry out the pilot program under this section, including
- 17 the costs of administration of the Secretary, \$25,000,000
- 18 for each of fiscal years 2014 through 2018.
- 19 SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASI-
- 20 BILITY STUDIES.
- 21 (a) IN GENERAL.—Not later than 180 days after the
- 22 date of enactment of this Act, the Secretary shall establish
- 23 and implement a pilot program to evaluate the cost-effec-
- 24 tiveness and project delivery efficiency of allowing non-
- 25 Federal interests to carry out feasibility studies for flood

1	risk management, hurricane and storm damage reduction,
2	ecosystem restoration, and coastal harbor and channel and
3	inland harbor navigation.
4	(b) Purposes.—The purposes of the pilot program
5	are—
6	(1) to identify project delivery and cost-saving
7	alternatives to the existing feasibility study process;
8	(2) to evaluate the technical, financial, and or-
9	ganizational efficiencies of a non-Federal interest
10	carrying out a feasibility study of 1 or more
11	projects; and
12	(3) to evaluate alternatives for the decentraliza-
13	tion of the project planning, management, and oper-
14	ational decisionmaking process of the Corps of Engi-
15	neers.
16	(c) Administration.—
17	(1) IN GENERAL.—On the request of a non-
18	Federal interest, the Secretary may enter into an
19	agreement with the non-Federal interest for the non-
20	Federal interest to provide full project management
21	control of a feasibility study for a project for—
22	(A) flood risk management;
23	(B) hurricane and storm damage reduc-
24	tion, including levees, floodwalls, flood control
25	channels, and water control structures:

1	(C) coastal harbor and channel and inland
2	harbor navigation; and
3	(D) ecosystem restoration.
4	(2) Use of non-federal funds.—
5	(A) IN GENERAL.—A non-Federal interest
6	that has entered into an agreement with the
7	Secretary pursuant to paragraph (1) may use
8	non-Federal funds to carry out the feasibility
9	study.
10	(B) Credit.—The Secretary shall credit
11	towards the non-Federal share of the cost of
12	construction of a project for which a feasibility
13	study is carried out under this section ar
14	amount equal to the portion of the cost of de-
15	veloping the study that would have been the re-
16	sponsibility of the Secretary, if the study were
17	carried out by the Secretary, subject to the con-
18	ditions that—
19	(i) non-Federal funds were used to
20	carry out the activities that would have
21	been the responsibility of the Secretary;
22	(ii) the Secretary determines that the
23	feasibility study complies with all applica-
24	ble Federal laws and regulations, and

1	(iii) the project is authorized by any
2	provision of Federal law enacted after the
3	date on which an agreement is entered into
4	under paragraph (1).
5	(3) Transfer of funds.—
6	(A) IN GENERAL.—After the date on which
7	an agreement is executed pursuant to para-
8	graph (1), the Secretary may transfer to the
9	non-Federal interest to carry out the feasibility
10	study—
11	(i) if applicable, the balance of any
12	unobligated amounts appropriated for the
13	study, except that the Secretary shall re-
14	tain sufficient amounts for the Corps of
15	Engineers to carry out any responsibilities
16	of the Corps of Engineers relating to the
17	project and pilot program; and
18	(ii) additional amounts, as determined
19	by the Secretary, from amounts made
20	available under subsection (h), except that
21	the total amount transferred to the non-
22	Federal interest shall not exceed the up-
23	dated estimate of the Federal share of the
24	cost of the feasibility study.

1	(B) Administration.—The Secretary
2	shall include such provisions as the Secretary
3	determines to be necessary in an agreement
4	under paragraph (1) to ensure that a non-Fed-
5	eral interest receiving Federal funds under this
6	paragraph—
7	(i) has the necessary qualifications to
8	administer those funds; and
9	(ii) will comply with all applicable
10	Federal laws (including regulations) relat-
11	ing to the use of those funds.
12	(4) Notification.—The Secretary shall notify
13	the Committee on Environment and Public Works of
14	the Senate and the Committee on Transportation
15	and Infrastructure of the House of Representatives
16	on the initiation of each feasibility study under the
17	pilot program.
18	(5) Auditing.—The Secretary shall regularly
19	monitor and audit each feasibility study carried out
20	by a non-Federal interest under this section to en-
21	sure that the use of any funds transferred under
22	paragraph (3) are used in compliance with the
23	agreement signed under paragraph (1).
24	(6) Technical assistance.—On the request

of a non-Federal interest, the Secretary may provide

- technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the
- 3 non-Federal interest contracts with the Secretary for
- 4 the technical assistance and compensates the Sec-
- 5 retary for the technical assistance.
- 6 (7) Detailed project schedule.—Not later
- 7 than 180 days after entering into an agreement
- 8 under paragraph (1), each non-Federal interest, to
- 9 the maximum extent practicable, shall submit to the
- 10 Secretary a detailed project schedule, based on full
- funding capability, that lists all deadlines for mile-
- stones relating to the feasibility study.
- 13 (d) Cost-Share.—Nothing in this section affects the
- 14 cost-sharing requirement applicable on the day before the
- 15 date of enactment of this Act to a feasibility study carried
- 16 out under this section.
- 17 (e) Report.—
- 18 (1) IN GENERAL.—Not later than 2 years after
- the date of enactment of this Act, the Secretary
- shall submit to the Committee on Environment and
- 21 Public Works of the Senate and the Committee on
- Transportation and Infrastructure of the House of
- Representatives a report detailing the results of the
- pilot program carried out under this section, includ-
- 25 ing—

- 1 (A) a description of the progress of the 2 non-Federal interests in meeting milestones in 3 detailed project schedules developed pursuant to 4 subsection (c)(7); and
 - (B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.
 - (2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).
 - (3) Failure to meet deadline.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

1	(f) Administration.—All laws and regulations that
2	would apply to the Secretary if the Secretary were car-
3	rying out the feasibility study shall apply to a non-Federal
4	interest carrying out a feasibility study under this section.
5	(g) TERMINATION OF AUTHORITY.—The authority to
6	commence a feasibility study under this section terminates
7	on the date that is 5 years after the date of enactment
8	of this Act.
9	(h) Authorization of Appropriations.—In addi-
10	tion to any amounts appropriated for a specific project,
11	there is authorized to be appropriated to the Secretary to
12	carry out the pilot program under this section, including
13	the costs of administration of the Secretary, \$25,000,000
14	for each of fiscal years 2014 through 2018.
15	SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.
16	Section 203 of the Water Resources Development Act
17	of 2000 (33 U.S.C. 2269) is amended—
18	(1) in subsection $(d)(1)(B)$ —
19	(A) by striking "The ability" and inserting
20	the following:
21	"(i) In general.—The ability"; and
22	(B) by adding at the end the following:
23	"(ii) Determination.—Not later
24	than 180 days after the date of enactment
25	of the Water Resources Development Act

1	of 2013, the Secretary shall issue guidance
2	on the procedures described in clause (i)."
3	and
4	(2) in subsection (e), by striking "2012" and
5	inserting "2023".
6	SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA
7	RIVER BASIN INDIAN TRIBES.
8	The Secretary may enter into a cooperative agree-
9	ment with 1 or more federally recognized Indian tribes (or
10	a designated representative of the Indian tribes) that are
11	located, in whole or in part, within the boundaries of the
12	Columbia River Basin to carry out authorized activities
13	within the Columbia River Basin to protect fish, wildlife
14	water quality, and cultural resources.
15	SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT
16	CIVIL WORKS SHORELINE PROTECTION
17	PROJECTS.
18	(a) In General.—The Secretary may implement
19	any response action the Secretary determines to be nec-
20	essary at a site where—
21	(1) the Secretary has carried out a project
22	under civil works authority of the Secretary that in-
23	cludes placing sand on a beach;
24	(2) as a result of the project described in para-
25	oranh (1) military munitions that were originally re-

- leased as a result of Department of Defense activi-
- 2 ties are deposited on the beach, posing a threat to
- 3 human health or the environment.
- 4 (b) Response Action Funding.—A response action
- 5 described in subsection (a) shall be funded from amounts
- 6 made available to the agency within the Department of
- 7 Defense responsible for the original release of the muni-
- 8 tions.

9 SEC. 2030. BEACH NOURISHMENT.

- 10 Section 156 of the Water Resources Development Act
- 11 of 1976 (42 U.S.C. 1962d-5f) is amended to read as fol-
- 12 lows:
- 13 "SEC. 156. BEACH NOURISHMENT.
- 14 "(a) IN GENERAL.—The Secretary of the Army, act-
- 15 ing through the Chief of Engineers, may provide periodic
- 16 beach nourishment for each water resources development
- 17 project for which that nourishment has been authorized
- 18 for an additional period of time, as determined by the Sec-
- 19 retary, subject to the condition that the additional period
- 20 shall not exceed the later of—
- 21 "(1) 50 years after the date on which the con-
- struction of the project is initiated; or
- "(2) the date on which the last estimated peri-
- odic nourishment for the project is to be carried out,

1	as recommended in the applicable report of the Chief
2	of Engineers.
3	"(b) Extension.—Before the end of the 50-year pe-
4	riod referred to in subsection (a)(1), the Secretary of the
5	Army, acting through the Chief of Engineers—
6	"(1) may, at the request of the non-Federal in-
7	terest and subject to the availability of appropria-
8	tions, carry out a review of a nourishment project
9	carried out under subsection (a) to evaluate the fea-
10	sibility of continuing Federal participation in the
11	project for a period not to exceed 15 years; and
12	"(2) shall submit to Congress any recommenda-
13	tions of the Secretary relating to the review.".
14	SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.
15	Section 204 of the Water Resources Development Act
16	of 1992 (33 U.S.C. 2326) (as amended by section
17	2003(c)) is amended—
18	(1) in subsection (a)—
19	(A) in paragraph (1), by inserting "or used
20	in" after "obtained through"; and
21	(B) in paragraph (3)(C), by inserting "for
22	the purposes of improving environmental condi-
23	tions in marsh and littoral systems, stabilizing
24	stream channels, enhancing shorelines, and sup-

1	porting State and local risk management adap-
2	tation strategies" before the period at the end;
3	(2) in subsection (c)(1)(B)—
4	(A) in clause (i), by striking "clause (ii)"
5	and inserting "clauses (ii) and (iii)";
6	(B) by redesignating clause (ii) as clause
7	(iii); and
8	(C) by inserting after clause (i) the fol-
9	lowing:
10	"(ii) Reduction in Non-Federal
11	SHARE.—The Secretary may reduce the
12	non-Federal share of the costs of construc-
13	tion of a project if the Secretary deter-
14	mines that, through the beneficial use of
15	sediment at another Federal project, there
16	will be an associated reduction or avoid-
17	ance of Federal costs.";
18	(3) in subsection (d)—
19	(A) by striking the subsection designation
20	and heading and inserting the following:
21	"(d) Selection of Dredged Material Disposal
22	METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL
23	RESTORATION OR STORM DAMAGE AND FLOOD REDUC-
24	TION.—"; and

1	(B) in paragraph (1), by striking "in rela-
2	tion to" and all that follows through the period
3	at the end and inserting "in relation to—
4	"(A) the environmental benefits, including
5	the benefits to the aquatic environment to be
6	derived from the creation of wetlands and con-
7	trol of shoreline erosion; or
8	"(B) the flood and storm damage and
9	flood reduction benefits, including shoreline pro-
10	tection, protection against loss of life, and dam-
11	age to improved property."; and
12	(4) in subsection (e), by striking paragraph (1)
13	and inserting the following:
14	"(1) cooperate with any State or group of
15	States in the preparation of a comprehensive State
16	or regional sediment management plan within the
17	boundaries of the State or among States;".
18	SEC. 2032. STUDY ACCELERATION.
19	(a) FINDINGS.—Congress finds that—
20	(1) delays in the completion of feasibility stud-
21	ies—
22	(A) increase costs for the Federal Govern-
23	ment as well as State and local governments;
24	and

1	(B) delay the implementation of water re-
2	sources projects that provide critical benefits,
3	including reducing flood risk, maintaining com-
4	mercially important flood risk, and restoring
5	vital ecosystems; and
6	(2) the efforts undertaken by the Corps of En-
7	gineers through the establishment of the "3-3-3"
8	planning process should be continued.
9	(b) Acceleration of Studies.—
10	(1) In general.—Subject to paragraphs (2)
11	and (3), a feasibility study initiated after the date
12	of enactment of this Act shall—
13	(A) be completed not later than 3 years
14	after the date of initiation of the study; and
15	(B) have a maximum Federal cost share of
16	\$3,000,000.
17	(2) Ability to comply.—On initiating a feasi-
18	bility study under paragraph (1), the Secretary
19	shall—
20	(A) certify that the study will comply with
21	the requirements of paragraph (1);
22	(B) for projects the Secretary determines
23	to be too complex to comply with the require-
24	ments of paragraph (1)—

1	(i) not less than 30 days after making
2	a determination, notify the non-Federal in-
3	terest regarding the inability to comply;
4	and
5	(ii) provide a new projected timeline
6	and cost; and
7	(C) if the study conditions have changed
8	such that scheduled timelines or study costs will
9	not be met—
10	(i) not later than 30 days after the
11	study conditions change, notify the non-
12	Federal interest of those changed condi-
13	tions; and
14	(ii) present the non-Federal interest
15	with a new timeline for completion and
16	new projected study costs.
17	(3) Appropriations.—
18	(A) In general.—All timeline and cost
19	conditions under this section shall be subject to
20	the Secretary receiving adequate appropriations
21	for meeting study timeline and cost require-
22	ments.
23	(B) NOTIFICATION.—Not later than 60
24	days after receiving appropriations, the Sec-
25	retary shall notify the non-Federal interest of

1	any changes to timelines or costs due to inad-
2	equate appropriations.
3	(c) Report.—Not later than 18 months after the
4	date of enactment of this Act and each year thereafter
5	the Secretary shall submit to the Committee on Environ-
6	ment and Public Works of the Senate and the Committee
7	on Transportation and Infrastructure of the House of
8	Representatives a report that describes—
9	(1) the status of the implementation of the "3-
10	3-3" planning process, including the number of par-
11	ticipating projects;
12	(2) the amount of time taken to complete all
13	studies participating in the "3-3-3" planning proc-
14	ess; and
15	(3) any recommendations for additional author-
16	ity necessary to support efforts to expedite the feasi-
17	bility study process for water resource projects.
18	SEC. 2033. PROJECT ACCELERATION.
19	Section 2045 of the Water Resources Development
20	Act of 2007 (33 U.S.C. 2348) is amended to read as fol-
21	lows:
22	"SEC. 2045. PROJECT ACCELERATION.
23	"(a) Definitions.—In this section:
24	"(1) Environmental impact statement.—
25	The term 'environmental impact statement' means

the detailed statement of environmental impacts of water resources projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) Environmental review process.—

- "(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resources project.
- "(B) Inclusions.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resources project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- "(3) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to this section.
- 24 "(b) Policy.—The benefits of water resources 25 projects are important to the economy and environment

1	of the United States, and recommendations to Congress
2	regarding those projects should be accelerated by coordi-
3	nated and efficient review and cooperative efforts to pre-
4	vent or quickly resolve disputes during the development
5	and implementation of those water resources projects.
6	"(c) Applicability.—
7	"(1) In general.—The project development
8	procedures under this section apply to the develop-
9	ment of projects initiated after the date of enact-
10	ment of the Water Resources Development Act of
11	2013 and for which the Secretary determines that—
12	"(A) an environmental impact statement is
13	required; or
14	"(B) at the discretion of the Secretary,
15	other water resources projects for which an en-
16	vironmental review process document is re-
17	quired to be prepared.
18	"(2) Flexibility.—Any authorities granted in
19	this section may be exercised, and any requirements
20	established under this section may be satisfied, for
21	the development of a water resources project, a class
22	of those projects, or a program of those projects.
23	"(3) List of water resources develop-
24	MENT PROJECTS.—

1	"(A) IN GENERAL.—The Secretary shall
2	annually prepare, and make publicly available, a
3	separate list of each study that the Secretary
4	has determined—
5	"(i) meets the standards described in
6	paragraph (1); and
7	"(ii) does not have adequate funding
8	to make substantial progress toward the
9	completion of the planning activities for
10	the water resources project.
11	"(B) Inclusions.—The Secretary shall
12	include for each study on the list under sub-
13	paragraph (A) a description of the estimated
14	amounts necessary to make substantial progress
15	on the study.
16	"(4) Implementation guidance.—The Sec-
17	retary shall prepare, in consultation with the Council
18	on Environmental Quality and other Federal agen-
19	cies with jurisdiction over actions or resources that
20	may be impacted by a water resources project, guid-
21	ance documents that describe the processes that the
22	Secretary will use to implement this section, in ac-
23	cordance with the civil works program of the Corps
24	of Engineers and all applicable law.

1	"(d) Water Resources Project Review Proc-
2	ESS.—The Secretary shall develop and implement a co-
3	ordinated review process for the development of water re-
4	sources projects.
5	"(e) Identification of Jurisdictional Agen-
6	CIES.—With respect to the development of each water re-
7	sources project, the Secretary shall identify, as soon as
8	practicable, all Federal, State, and local government agen-
9	cies and Indian tribes that may—
10	"(1) have jurisdiction over the project;
11	"(2) be required by law to conduct or issue a
12	review, analysis, or opinion for the project; or
13	"(3) be required to make a determination on
14	issuing a permit, license, or approval for the project.
15	"(f) State Authority.—If the coordinated review
16	process is being implemented under this section by the
17	Secretary with respect to the development of a water re-
18	sources project described in subsection (c) within the
19	boundaries of a State, the State, consistent with State law,
20	may choose to participate in the process and to make sub-
21	ject to the process all State agencies that—
22	"(1) have jurisdiction over the project;
23	"(2) are required to conduct or issue a review,
24	analysis, or opinion for the project; or

1	"(3) are required to make a determination on
2	issuing a permit, license, or approval for the project.
3	"(g) Lead Agencies.—
4	"(1) FEDERAL LEAD AGENCY.—Subject to
5	paragraph (2), the Corps of Engineers shall be the
6	lead Federal agency in the environmental review
7	process for a water resources project.
8	"(2) Joint Lead Agencies.—
9	"(A) IN GENERAL.—At the discretion of
10	the Secretary and subject to any applicable reg-
11	ulations under the National Environmental Pol-
12	icy Act of 1969 (42 U.S.C. 4321 et seq.), an
13	agency other than the Corps of Engineers may
14	serve as the joint lead agency.
15	"(B) Non-federal interest as joint
16	LEAD AGENCY.—A non-Federal interest that is
17	a State or local governmental entity—
18	"(i) may serve as a joint lead agency
19	with the Corps of Engineers for purposes
20	of preparing any environmental document
21	under the National Environmental Policy
22	Act of 1969 (42 U.S.C. 4321 et seq.); and
23	"(ii) may prepare any environmental
24	review process document required in sup-

1	port of any action or approval by the Sec-
2	retary if—
3	"(I) the Corps of Engineers pro-
4	vides guidance in the preparation
5	process and independently evaluates
6	that document; and
7	"(II) the Secretary approves and
8	adopts the document before the Sec-
9	retary takes any subsequent action or
10	makes any approval based on that
11	document, regardless of whether the
12	action or approval of the Secretary re-
13	sults in Federal funding.
14	"(3) Duties.—The Secretary shall ensure
15	that—
16	"(A) the non-Federal interest complies
17	with all design and mitigation commitments
18	made jointly by the Secretary and the non-Fed-
19	eral interest in any environmental document
20	prepared by the non-Federal interest in accord-
21	ance with this subsection; and
22	"(B) any environmental document pre-
23	pared by the non-Federal interest is appro-
24	priately supplemented if changes to the water
25	resources project become necessary.

1	"(4) Adoption and use of documents.—
2	Any environmental document prepared in accordance
3	with this subsection may be adopted or used by any
4	Federal agency making any approval to the same ex-
5	tent that the Federal agency could adopt or use a
6	document prepared by another Federal agency.
7	"(5) Roles and responsibility of lead
8	AGENCY.—With respect to the environmental review
9	process for any water resources project, the lead
10	agency shall have authority and responsibility—
11	"(A) to take such actions as are necessary
12	and proper and within the authority and re-
13	sponsibility of the lead agency to facilitate the
14	expeditious resolution of the environmental re-
15	view process for the water resources project
16	and
17	"(B) to prepare or ensure that any re-
18	quired environmental impact statement or other
19	environmental review document for a water re-
20	sources project required to be completed under
21	the National Environmental Policy Act of 1969
22	(42 U.S.C. 4321 et seq.) is completed in ac-
23	cordance with this section and applicable Fed-
24	eral law.
25	"(h) Participating Agencies.—

1	"(1) Invitation.—
2	"(A) IN GENERAL.—The lead agency shall
3	identify, as early as practicable in the environ-
4	mental review process for a water resources
5	project, any other Federal or non-Federal agen-
6	cies that may have an interest in that project
7	and invite those agencies to become partici-
8	pating agencies in the environmental review
9	process for the water resources project.
10	"(B) Deadline.—An invitation to partici-
11	pate issued under subparagraph (A) shall set a
12	deadline by which a response to the invitation
13	shall be submitted, which may be extended by
14	the lead agency for good cause.
15	"(2) Federal participating agencies.—Any
16	Federal agency that is invited by the lead agency to
17	participate in the environmental review process for a
18	water resources project shall be designated as a par-
19	ticipating agency by the lead agency unless the in-
20	vited agency informs the lead agency, in writing, by
21	the deadline specified in the invitation that the in-
22	vited agency—
23	"(A) has no jurisdiction or authority with

respect to the water resources project;

1	"(B) has no expertise or information rel-
2	evant to the water resources project;
3	"(C) does not intend to submit comments
4	on the water resources project; and
5	"(D) does not have adequate funds to par-
6	ticipate in the water resources project.
7	"(3) Effect of Designation.—Designation
8	as a participating agency under this subsection shall
9	not imply that the participating agency—
10	"(A) supports a proposed water resources
11	project; or
12	"(B) has any jurisdiction over, or special
13	expertise with respect to evaluation of, the
14	water resources project.
15	"(4) Concurrent reviews.—Each partici-
16	pating agency shall—
17	"(A) carry out the obligations of that
18	agency under other applicable law concurrently
19	and in conjunction with the required environ-
20	mental review process, unless doing so would
21	impair the ability of the Federal agency to con-
22	duct needed analysis or otherwise carry out
23	those obligations; and
24	"(B) formulate and implement administra-
25	tive, policy, and procedural mechanisms to en-

1	able the agency to ensure completion of the en-
2	vironmental review process in a timely, coordi-
3	nated, and environmentally responsible manner.
4	"(i) Programmatic Compliance.—
5	"(1) In general.—The Secretary shall issue
6	guidance to allow for the use of programmatic ap-
7	proaches to carry out the environmental review proc-
8	ess that—
9	"(A) eliminates repetitive discussions of
10	the same issues;
11	"(B) focuses on the actual issues ripe for
12	analyses at each level of review;
13	"(C) establishes a formal process for co-
14	ordinating with participating agencies, including
15	the creation of a list of all data that is needed
16	to carry out an environmental review process;
17	and
18	"(D) is consistent with—
19	"(i) the National Environmental Pol-
20	icy Act of 1969 (42 U.S.C. 4321 et seq.);
21	and
22	"(ii) other applicable laws.
23	"(2) Requirements.—In carrying out para-
24	graph (1), the Secretary shall—

1	"(A) as the first step in drafting guidance
2	under that paragraph, consult with relevant
3	Federal and State agencies, Indian tribes, and
4	the public on the appropriate use and scope of
5	the programmatic approaches;
6	"(B) emphasize the importance of collabo-
7	ration among relevant Federal agencies, State
8	agencies, and Indian tribes in undertaking pro-
9	grammatic reviews, especially with respect to
10	including reviews with a broad geographical
11	scope;
12	"(C) ensure that the programmatic re-
13	views—
14	"(i) promote transparency, including
15	of the analyses and data used in the envi-
16	ronmental review process, the treatment of
17	any deferred issues raised by Federal,
18	State, or tribal agencies, or the public, and
19	the temporal and special scales to be used
20	to analyze those issues;
21	"(ii) use accurate and timely informa-
22	tion in the environmental review process,
23	including—

1	"(I) criteria for determining the
2	general duration of the usefulness of
3	the review; and
4	"(II) the timeline for updating
5	any out-of-date review;
6	"(iii) describe—
7	"(I) the relationship between pro-
8	grammatic analysis and future tiered
9	analysis; and
10	"(II) the role of the public in the
11	creation of future tiered analysis; and
12	"(iv) are available to other relevant
13	Federal and State agencies, Indian tribes,
14	and the public;
15	"(D) allow not fewer than 60 days of pub-
16	lic notice and comment on any proposed guid-
17	ance; and
18	"(E) address any comments received under
19	subparagraph (D).
20	"(j) Coordinated Reviews.—
21	"(1) Coordination Plan.—
22	"(A) ESTABLISHMENT.—
23	"(i) In general.—The lead agency
24	shall establish a plan for coordinating pub-
25	lic and agency participation in and com-

1	ment on, the environmental review process
2	for a water resources project or a category
3	of water resources projects.
4	"(ii) Incorporation.—The plan es-
5	tablished under clause (i) shall be incor-
6	porated into the project schedule mile-
7	stones set under section $905(g)(2)$ of the
8	Water Resources Development Act of 1986
9	(33 U.S.C. 2282(g)(2)).
10	"(2) COMMENT DEADLINES.—The lead agency
11	shall establish the following deadlines for comment
12	during the environmental review process for a
13	project:
14	"(A) Draft environmental impact
15	STATEMENTS.—For comments by Federal and
16	States agencies and the public on a draft envi-
17	ronmental impact statement, a period of not
18	more than 60 days after publication in the Fed-
19	eral Register of notice of the date of public
20	availability of the draft environmental impact
21	statement, unless—
22	"(i) a different deadline is established
23	by agreement of the lead agency, the non-
24	Federal interest, as applicable, and all par-
25	ticipating agencies: or

1	"(ii) the deadline is extended by the
2	lead agency for good cause.
3	"(B) OTHER ENVIRONMENTAL REVIEW
4	PROCESSES.—For all comment periods estab-
5	lished by the lead agency for agency or public
6	comments in the environmental review process
7	other than for a draft environmental impact
8	statement, a period of not more than 30 days
9	after the date on which the materials on which
10	comment is requested are made available, un-
11	less—
12	"(i) a different deadline is established
13	by agreement of the lead agency, the non-
14	Federal interest, and all participating
15	agencies; or
16	"(ii) the deadline is extended by the
17	lead agency for good cause.
18	"(3) Deadlines for decisions under
19	OTHER LAWS.—In any case in which a decision
20	under any Federal law relating to a project, includ-
21	ing the issuance or denial of a permit or license, is
22	required to be made by the date described in sub-
23	section (k)(6)(B)(ii), the Secretary shall submit to
24	the Committee on Environment and Public Works of
25	the Senate and the Committee on Transportation

1	and Infrastructure of the House of Representa-
2	tives—
3	"(A) as soon as practicable after the 180-
4	day period, an initial notice of the failure of the
5	Federal agency to make the decision; and
6	"(B) every 60 days thereafter until such
7	date as all decisions of the Federal agency re-
8	lating to the project have been made by the
9	Federal agency, an additional notice that de-
10	scribes the number of decisions of the Federal
11	agency that remain outstanding as of the date
12	of the additional notice.
13	"(4) Involvement of the public.—Nothing
14	in this subsection shall reduce any time period pro-
15	vided for public comment in the environmental re-
16	view process under existing Federal law (including
17	regulations).
18	"(k) Issue Identification and Resolution.—
19	"(1) COOPERATION.—The lead agency and the
20	participating agencies shall work cooperatively in ac-
21	cordance with this section to identify and resolve
22	issues that could delay completion of the environ-
23	mental review process or result in the denial of any
24	approval required for the project under applicable

laws.

1	"(2) Lead agency responsibilities.—
2	"(A) IN GENERAL.—The lead agency shall
3	make information available to the participating
4	agencies as early as practicable in the environ-
5	mental review process regarding the environ-
6	mental and socioeconomic resources located
7	within the project area and the general loca-
8	tions of the alternatives under consideration.
9	"(B) Data sources.—The information
10	under subparagraph (A) may be based on exist-
11	ing data sources, including geographic informa-
12	tion systems mapping.
13	"(3) Participating agency responsibil-
14	ITIES.—Based on information received from the lead
15	agency, participating agencies shall identify, as early
16	as practicable, any issues of concern regarding the
17	potential environmental or socioeconomic impacts of
18	the project, including any issues that could substan-
19	tially delay or prevent an agency from granting a
20	permit or other approval that is needed for the
21	project.
22	"(4) Interim decision on achieving accel-
23	ERATED DECISIONMAKING.—
24	"(A) In general.—Not later than 30
25	days after the close of the public comment pe-

1	riod on a draft environmental impact statement,
2	the Secretary may convene a meeting with the
3	non-Federal interest or joint lead agency, as ap-
4	plicable, relevant resource agencies, and rel-
5	evant Federal and State agencies to establish a
6	schedule of deadlines to complete decisions re-
7	garding the project.
8	"(B) Deadlines.—
9	"(i) In general.—The deadlines re-
10	ferred to in subparagraph (A) shall be
11	those established by the Secretary, in con-
12	sultation with the non-Federal interest or
13	joint lead agency, as applicable, and other
14	relevant Federal and State agencies.
15	"(ii) Factors for consider-
16	ATION.—In establishing a schedule, the
17	Secretary shall consider factors such as—
18	"(I) the responsibilities of par-
19	ticipating agencies under applicable
20	laws;
21	"(II) the resources available to
22	the non-Federal interest, joint lead
23	agency, and other relevant Federal
24	and State agencies, as applicable:

1	"(III) the overall size and com-
2	plexity of the project;
3	"(IV) the overall schedule for
4	and cost of the project; and
5	"(V) the sensitivity of the natural
6	and historical resources that could be
7	affected by the project.
8	"(iii) Modifications.—The Sec-
9	retary may—
10	"(I) lengthen a schedule under
11	clause (i) for good cause; and
12	"(II) shorten a schedule only
13	with concurrence of the affected non-
14	Federal interest, joint agency, or rel-
15	evant Federal and State agencies, as
16	applicable.
17	"(C) Failure to meet deadline.—If
18	the agencies described in subparagraph (A) can-
19	not provide reasonable assurances that the
20	deadlines described in subparagraph (B) will be
21	met, the Secretary may initiate the issue resolu-
22	tion and referral process described under para-
23	graph (5) before the completion of the record of
24	decision.

1	"(5) Accelerated issue resolution and
2	REFERRAL.—
3	"(A) AGENCY ISSUE RESOLUTION MEET-
4	ING.—
5	"(i) In general.—A participating
6	agency or non-Federal interest may re-
7	quest an issue resolution meeting to be
8	conducted by the Secretary.
9	"(ii) Action by secretary.—The
10	Secretary shall convene an issue resolution
11	meeting under clause (i) with the relevant
12	participating agencies and the non-Federal
13	interest, as applicable, to resolve issues
14	that could—
15	"(I) delay completion of the envi-
16	ronmental review process; or
17	"(II) result in denial of any ap-
18	provals required for the project under
19	applicable laws.
20	"(iii) Date.—A meeting requested
21	under this subparagraph shall be held not
22	later than 21 days after the date on which
23	the Secretary receives the request for the
24	meeting, unless the Secretary determines

1	that there is good cause to extend that
2	deadline.
3	"(iv) Notification.—On receipt of a
4	request for a meeting under this subpara-
5	graph, the Secretary shall notify all rel-
6	evant participating agencies of the request,
7	including the issue to be resolved and the
8	date for the meeting.
9	"(v) Disputes.—If a relevant partici-
10	pating agency with jurisdiction over an ap-
11	proval required for a project under applica-
12	ble law determines that the relevant infor-
13	mation necessary to resolve the issue has
14	not been obtained and could not have been
15	obtained within a reasonable time, but the
16	Secretary disagrees, the resolution of the
17	dispute shall be forwarded to the heads of
18	the relevant agencies for resolution.
19	"(vi) Convention by Lead agen-
20	cy.—The Secretary may convene an issue
21	resolution meeting under this subsection at
22	any time, at the discretion of the Sec-
23	retary, regardless of whether a meeting is
24	requested under clause (i).
25	"(vii) Exception.—

1 "(I) IN GENERAL.—The issue
resolution and referral process under
this subparagraph shall not be initi-
4 ated if the applicable agency—
5 "(aa) certifies that—
6 "(AA) the agency has
7 not received necessary infor-
8 mation or approvals from
9 another entity in a manner
0 that affects the ability of the
1 agency to meet any require-
2 ments under Federal, State
or local law;
4 "(BB) significant new
5 information or circ
6 cumstances, including a
7 major modification to an as-
8 pect of the project, requires
9 additional analysis for the
0 agency to make a decision
on the project application; or
2 "(CC) the agency lacks
the financial resources to
4 complete the review under
5 the scheduled timeframe, in-

1	cluding a description of the
2	number of full-time employ-
3	ees required to complete the
4	review, the amount of fund-
5	ing required to complete the
6	review, and a justification as
7	to why there is not enough
8	funding available to com-
9	plete the review by the dead-
10	line; and
11	"(bb) establishes a new
12	deadline for completion of the re-
13	view.
14	"(II) Inspector general.—If
15	the applicable agency makes a certifi-
16	cation under subclause (I)(aa)(CC),
17	the Inspector General of the applica-
18	ble agency shall conduct a financial
19	audit to review that certification and
20	submit a report on that certification
21	within 90 days to the Committee on
22	Environment and Public Works of the
23	Senate and the Committee on Trans-
24	portation and Infrastructure of the
25	House of Representatives.

1	"(B) Elevation of issue resolu-
2	TION.—
3	"(i) In general.—If issue resolution
4	is not achieved by not later than 30 days
5	after the date on which a relevant meeting
6	is held under subparagraph (A), the Sec-
7	retary shall notify the heads of the relevant
8	participating agencies and the non-Federal
9	interest that an issue resolution meeting
10	will be convened.
11	"(ii) Requirements.—The Secretary
12	shall identify the issues to be addressed at
13	the meeting and convene the meeting not
14	later than 30 days after the date on which
15	the notice is issued.
16	"(C) Referral of Issue Resolution.—
17	"(i) Referral to council on envi-
18	RONMENTAL QUALITY.—
19	"(I) IN GENERAL.—If a resolu-
20	tion is not achieved by not later than
21	30 days after the date on which an
22	issue resolution meeting is held under
23	subparagraph (B), the Secretary shall
24	refer the matter to the Council on En-
25	vironmental Quality.

1	"(II) Meeting.—Not later than
2	30 days after the date on which the
3	Council on Environmental Quality re-
4	ceives a referral from the Secretary
5	under subclause (I), the Council on
6	Environmental Quality shall hold an
7	issue resolution meeting with the lead
8	agency, the heads of relevant partici-
9	pating agencies and the non-Federal
10	interest.
11	"(ii) Referral to the presi-
12	DENT.—If a resolution of the issue is not
13	achieved by not later than 30 days after
14	the date on which an issue resolution meet-
15	ing is convened by the Council on Environ-
16	mental Quality under clause (i)(II), the
17	Secretary shall refer the matter directly to
18	the President.
19	"(6) Financial penalty provisions.—
20	"(A) IN GENERAL.—A Federal agency with
21	jurisdiction over an approval required for a
22	project under applicable Federal laws (including
23	regulations) shall complete any required ap-
24	proval on an expeditious basis using the short-

est existing applicable process.

1	"(B) Failure to decide.—
2	"(i) IN GENERAL.—If an agency de-
3	scribed in subparagraph (A) fails to render
4	a decision under any Federal law relating
5	to a project that requires the preparation
6	of an environmental impact statement or
7	environmental assessment, including the
8	issuance or denial of a permit, license, or
9	other approval by the date described in
10	clause (ii), an amount of funding equal to
11	the amounts specified in subclause (I) or
12	(II) shall be transferred from the applica-
13	ble office of the head of the agency, or
14	equivalent office to which the authority for
15	rendering the decision has been delegated
16	by law to the agency or division charged
17	with rendering a decision regarding the ap-
18	plication by not later than 1 day after the
19	applicable date under clause (ii), and once
20	each week thereafter until a final decision
21	is rendered, subject to subparagraph (C)—
22	"(I) \$20,000 for any project re-
23	quiring the preparation of an environ-
24	mental assessment or environmental
25	impact statement; or

1	"(II) \$10,000 for any project re-
2	quiring any type of review under the
3	National Environmental Policy Act of
4	1969 (42 U.S.C. 4321 et seq.) other
5	than an environmental assessment or
6	environmental impact statement.
7	"(ii) Description of date.—The
8	date referred to in clause (i) is the later
9	of—
10	"(I) the date that is 180 days
11	after the date on which an application
12	for the permit, license, or approval is
13	complete; and
14	"(II) the date that is 180 days
15	after the date on which the Federal
16	lead agency issues a decision on the
17	project under the National Environ-
18	mental Policy Act of 1969 (42 U.S.C.
19	4321 et seq.).
20	"(C) Limitations.—
21	"(i) In general.—No transfer of
22	funds under subparagraph (B) relating to
23	an individual project shall exceed, in any
24	fiscal year, an amount equal to 1 percent

1	of the funds made available for the appli-
2	cable agency office.
3	"(ii) Failure to decide.—The total
4	amount transferred in a fiscal year as a re-
5	sult of a failure by an agency to make a
6	decision by an applicable deadline shall not
7	exceed an amount equal to 5 percent of the
8	funds made available for the applicable
9	agency office for that fiscal year.
10	"(D) NO FAULT OF AGENCY.—A transfer
11	of funds under this paragraph shall not be
12	made if—
13	"(i) the applicable agency described in
14	subparagraph (A) certifies that—
15	"(I) the agency has not received
16	necessary information or approvals
17	from another entity in a manner that
18	affects the ability of the agency to
19	meet any requirements under Federal,
20	State, or local law;
21	"(II) significant new information
22	or circumstances, including a major
23	modification to an aspect of the
24	project, requires additional analysis

1	for the agency to make a decision on
2	the project application; or
3	"(III) the agency lacks the finan-
4	cial resources to complete the review
5	under the scheduled timeframe, in-
6	cluding a description of the number of
7	full-time employees required to com-
8	plete the review, the amount of fund-
9	ing required to complete the review,
10	and a justification as to why there is
11	not enough funding available to com-
12	plete the review by the deadline; and
13	"(ii) if the applicable agency makes a
14	certification under clause (i)(III), the In-
15	spector General of the applicable agency
16	shall conduct a financial audit to review
17	that certification and submit a report on
18	that certification within 90 days to the
19	Committee on Environment and Public
20	Works of the Senate and the Committee on
21	Transportation and Infrastructure of the
22	House of Representatives.
23	"(E) Limitation.—The Federal agency
24	from which funds are transferred pursuant to
25	this paragraph shall not reprogram funds to the

1	office of the head of the agency, or equivalent
2	office, to reimburse that office for the loss of
3	the funds.
4	"(F) Audits.—In any fiscal year in which
5	any funds are transferred from a Federal agen-
6	cy pursuant to this paragraph, the Inspector
7	General of that agency shall—
8	"(i) conduct an audit to assess com-
9	pliance with the requirements of this para-
10	graph; and
11	"(ii) not later than 120 days after the
12	end of the fiscal year in which the transfer
13	occurred, submit to the Committee on En-
14	vironment and Public Works of the Senate
15	and the Committee on Transportation and
16	Infrastructure of the House of Representa-
17	tives a report describing the reasons why
18	the transfers were levied, including alloca-
19	tions of resources.
20	"(G) Effect of Paragraph.—Nothing
21	in this paragraph affects or limits the applica-
22	tion of, or obligation to comply with, any Fed-
23	eral, State, local, or tribal law.
24	"(l) Performance Measurement.—The Secretary
25	shall establish a program to measure and report on

1	progress made toward improving and expediting the plan-
2	ning and environmental review process.
3	"(m) Memorandum of Agreements for Early
4	COORDINATION.—
5	"(1) Sense of congress.—It is the sense of
6	Congress that—
7	"(A) the Secretary and other Federal
8	agencies with relevant jurisdiction in the envi-
9	ronmental review process should cooperate with
10	each other, State agencies, and Indian tribes on
11	environmental review and water resources
12	project delivery activities at the earliest prac-
13	ticable time to avoid delays and duplication of
14	effort later in the process, prevent potential
15	conflicts, and ensure that planning and water
16	resources project development decisions reflect
17	environmental values; and
18	"(B) the cooperation referred to in sub-
19	paragraph (A) should include the development
20	of policies and the designation of staff that ad-
21	vise planning agencies and non-Federal inter-
22	ests of studies or other information foreseeably
23	required for later Federal action and early con-
24	sultation with appropriate State and local agen-

cies and Indian tribes.

1 "(2) TECHNICAL ASSISTANCE.—If requested at 2 any time by a State or non-Federal interest, the 3 Secretary and other Federal agencies with relevant 4 jurisdiction in the environmental review process, 5 shall, to the maximum extent practicable and appro-6 priate, as determined by the agencies, provide tech-7 nical assistance to the State or non-Federal interest 8 in carrying out early coordination activities.

- "(3) Memorandum of agency agreement.—
 If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.
- 20 "(n) Limitations.—Nothing in this section pre-21 empts, supersedes, amends, modifies, or interferes with—
- 22 "(1) any statutory requirement for seeking pub-23 lie comment;
- 24 "(2) any power, jurisdiction, or authority that 25 a Federal, State, or local government agency, Indian

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1	tribe, or non-Federal interest has with respect to
2	carrying out a water resources project;
3	"(3) any obligation to comply with the provi-
4	sions of the National Environmental Policy Act of
5	1969 (42 U.S.C. 4321 et seq.) and the regulations
6	issued by the Council on Environmental Quality to
7	carry out that Act or any other Federal environ-
8	mental law;
9	"(4) the reviewability of any final Federal agen-
10	cy action in a court of the United States or in the
11	court of any State;
12	"(5) any practice of seeking, considering, or re-
13	sponding to public comment; or
14	"(6) any power, jurisdiction, responsibility, or
15	authority that a Federal, State, or local govern-
16	mental agency, Indian tribe, or non-Federal interest
17	has with respect to carrying out a water resources
18	project or any other provision of law applicable to
19	water resources development projects.
20	"(o) CATEGORICAL EXCLUSIONS.—
21	"(1) In general.—Not later than 180 days
22	after the date of enactment of this subsection, the
23	Secretary shall—

1	"(A) survey the use by the Corps of Engi-
2	neers of categorical exclusions in water re-
3	sources projects since 2005;
4	"(B) publish a review of the survey that
5	includes a description of—
6	"(i) the types of actions categorically
7	excluded; and
8	"(ii) any requests previously received
9	by the Secretary for new categorical exclu-
10	sions; and
11	"(C) solicit requests from other Federal
12	agencies and non-Federal interests for new cat-
13	egorical exclusions.
14	"(2) New Categorical Exclusions.—Not
15	later than 1 year after the date of enactment of this
16	subsection, if the Secretary has identified a categor-
17	ical exclusion that did not exist on the day before
18	the date of enactment of this subsection based on
19	the review under paragraph (1), the Secretary shall
20	publish a notice of proposed rulemaking to propose
21	that new categorical exclusion, to the extent that the
22	categorical exclusion meets the criteria for a categor-
23	ical exclusion under section 1508.4 of title 40, Code
24	of Federal Regulations (or successor regulation).

1	"(p) Review of Water Resources Project Ac-
2	CELERATION REFORMS.—
3	"(1) IN GENERAL.—The Comptroller General of
4	the United States shall—
5	"(A) assess the reforms carried out under
6	this section; and
7	"(B) not later than 5 years after the date
8	of enactment of this subsection, submit to the
9	Committee on Transportation and Infrastruc-
10	ture of the House of Representatives and the
11	Committee on Environment and Public Works
12	of the Senate a report that describes the results
13	of the assessment.
14	"(2) Inspector general report.—The In-
15	spector General of the Corps of Engineers shall—
16	"(A) assess the reforms carried out under
17	this section; and
18	"(B) submit to the Committee on Trans-
19	portation and Infrastructure of the House of
20	Representatives and the Committee on Environ-
21	ment and Public Works of the Senate—
22	"(i) not later than 2 years after the
23	date of enactment of this subsection, an
24	initial report of the findings of the Inspec-
25	tor General; and

1	"(ii) not later than 4 years after the
2	date of enactment of this subsection, a
3	final report of the findings.".
4	SEC. 2034. FEASIBILITY STUDIES.
5	Section 905 of the Water Resources Development Act
6	of 1986 (33 U.S.C. 2282) is amended by adding at the
7	end the following:
8	"(g) Detailed Project Schedule.—
9	"(1) In general.—Not later than 180 days
10	after the date of enactment of this subsection, the
11	Secretary shall determine a set of milestones needed
12	for the completion of a feasibility study under this
13	subsection, including all major actions, report sub-
14	missions and responses, reviews, and comment peri-
15	ods.
16	"(2) Detailed Project schedule mile-
17	STONES.—Each District Engineer shall, to the max-
18	imum extent practicable, establish a detailed project
19	schedule, based on full funding capability, that lists
20	all deadlines for milestones relating to feasibility
21	studies in the District developed by the Secretary
22	under paragraph (1).
23	"(3) Non-federal interest notifica-
24	TION.—Each District Engineer shall submit by cer-

1	tified mail the detailed project schedule under para-
2	graph (2) to each relevant non-Federal interest—
3	"(A) for projects that have received fund-
4	ing from the General Investigations Account of
5	the Corps of Engineers in the period beginning
6	on October 1, 2009, and ending on the date of
7	enactment of this section, not later than 180
8	days after the establishment of milestones
9	under paragraph (1); and
10	"(B) for projects for which a feasibility
11	cost-sharing agreement is executed after the es-
12	tablishment of milestones under paragraph (1),
13	not later than 90 days after the date on which
14	the agreement is executed.
15	"(4) Congressional and public notifica-
16	TION.—Beginning in the first full fiscal year after
17	the date of enactment of this Act, the Secretary
18	shall—
19	"(A) submit an annual report that lists all
20	detailed project schedules under paragraph (2)
21	and an explanation of any missed deadlines to
22	the Committee on Environment and Public
23	Works of the Senate and the Committee on
24	Transportation and Infrastructure of the House
25	of Representatives; and

1	"(B) make publicly available, including on
2	the Internet, a copy of the annual report de-
3	scribed in subparagraph (A) not later than 14
4	days after date on which a report is submitted
5	to Congress.
6	"(5) Failure to act.—If a District Engineer
7	fails to meet any of the deadlines in the project
8	schedule under paragraph (2), the District Engineer
9	shall—
10	"(A) not later than 30 days after each
11	missed deadline, submit to the non-Federal in-
12	terest a report detailing—
13	"(i) why the District Engineer failed
14	to meet the deadline; and
15	"(ii) a revised project schedule reflect-
16	ing amended deadlines for the feasibility
17	study; and
18	"(B) not later than 30 days after each
19	missed deadline, make publicly available, includ-
20	ing on the Internet, a copy of the amended
21	project schedule described in subparagraph
22	(A)(ii).".
23	SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.
24	(a) In General.—On the request of a non-Federal
25	interest, the Secretary shall provide to the non-Federal in-

- 1 terest a detailed accounting of the Federal expenses asso-
- 2 ciated with a water resources project.
- 3 (b) Study.—
- 4 (1) IN GENERAL.—The Secretary shall contract
 5 with the National Academy of Public Administration
 6 to carry out a study on the efficiency of the Corps
 7 Engineers current staff salaries and administrative
- 8 expense procedures as compared to using a separate
- 9 administrative expense account.
- 10 (2) Contents.—The study under paragraph
- 11 (1) shall include any recommendations of the Na-
- 12 tional Academy of Public Administration for im-
- provements to the budgeting and administrative
- processes that will increase the efficiency of the
- 15 Corps of Engineers project delivery.
- 16 SEC. 2036. DETERMINATION OF PROJECT COMPLETION.
- 17 (a) IN GENERAL.—The Secretary shall transfer to
- 18 the non-Federal interest the responsibility for the oper-
- 19 ation and maintenance of any water resources project for
- 20 which operation and maintenance is required of the non-
- 21 Federal interest or separable element or functional portion
- 22 of that water resources project on such date that the Sec-
- 23 retary determines that the project is complete.
- 24 (b) Non-Federal Interest Appeal of Deter-
- 25 MINATION.—

1 (1) IN GENERAL.—Not later than 7 days after 2 receiving a notification under subparagraph (a), the 3 non-Federal interest may appeal the completion de-4 termination of the Secretary in writing.

(2) Independent review.—

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- (A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to determine whether the applicable water resources project or separable element or functional portion of the water resources project is complete.
- (B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

20 SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.

21 (a) IN GENERAL.—The Secretary shall contract with 22 the National Academy of Public Administration to carry 23 out a comprehensive review of the process for preparing, 24 negotiating, and approving Project Partnership Agree-

1	ments and the Project Partnership Agreement template,
2	which shall include—
3	(1) a review of the process for preparing, nego-
4	tiating, and approving Project Partnership Agree-
5	ments, as in effect on the day before the date of en-
6	actment of this Act;
7	(2) an evaluation of how the concerns of a non-
8	Federal interest relating to the Project Partnership
9	Agreement and suggestions for modifications to the
10	Project Partnership Agreement made by a non-Fed-
11	eral interest are accommodated;
12	(3) recommendations for how the concerns and
13	modifications described in paragraph (2) can be bet-
14	ter accommodated;
15	(4) recommendations for how the Project Part-
16	nership Agreement template can be made more effi-
17	cient; and
18	(5) recommendations for how to make the proc-
19	ess for preparing, negotiating, and approving Project
20	Partnership Agreements more efficient.
21	(b) Report.—The Secretary shall submit a report
22	describing the findings of the National Academy of Public
23	Administration to the Committee on Environment and
24	Public Works of the Senate and the Committee on Trans-

1	portation and Infrastructure of the House of Representa-
2	tives.
3	SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT
4	AUTHORITY.
5	Section 234 of the Water Resources Development Act
6	of 1996 (33 U.S.C. 2323a) is amended—
7	(1) in subsection (a), by striking "other Federal
8	agencies," and inserting "Federal departments or
9	agencies, nongovernmental organizations,";
10	(2) in subsection (b), by inserting "or foreign
11	governments" after "organizations";
12	(3) in subsection (c), by inserting "and restora-
13	tion" after "protection"; and
14	(4) in subsection (d)—
15	(A) in the first sentence—
16	(i) by striking "There is" and insert-
17	ing "(1) IN GENERAL.—There is"; and
18	(ii) by striking "2008" and inserting
19	"2014"; and
20	(B) in the second sentence—
21	(i) by striking "The Secretary" and
22	inserting "(2) Acceptance of funds.—
23	The Secretary"; and
24	(ii) by striking "other Federal agen-
25	cies" and inserting "Federal departments

1	or agencies, nongovernmental organiza-
2	tions".
3	SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO IN-
4	CREASE LOCK OPERATIONS.
5	(a) In General.—The Secretary, after providing
6	public notice, shall establish a pilot program for the ac-
7	ceptance and expenditure of funds contributed by non-
8	Federal interests to increase the hours of operation of
9	locks at water resources development projects.
10	(b) APPLICABILITY.—The establishment of the pilot
11	program under this section shall not affect the periodic
12	review and adjustment of hours of operation of locks based
13	on increases in commercial traffic carried out by the Sec-
14	retary.
15	(c) Public Comment.—Not later than 180 days be-
16	fore a proposed modification to the operation of a lock
17	at a water resources development project will be carried
18	out, the Secretary shall—
19	(1) publish the proposed modification in the
20	Federal Register; and
21	(2) accept public comment on the proposed
22	modification.
23	(d) Reports.—
24	(1) IN GENERAL.—Not later than 1 year after
25	the date of enactment of this Act the Secretary

- 1 shall submit to the Committee on Transportation
- and Infrastructure of the House of Representatives
- and the Committee on Environment and Public
- 4 Works of the Senate a report that evaluates the
- 5 cost-savings resulting from reduced lock hours and
- 6 any economic impacts of modifying lock operations.
- 7 (2) Review of Pilot Program.—Not later
- 8 than September 30, 2017 and each year thereafter,
- 9 the Secretary shall submit to the Committee on
- Transportation and Infrastructure of the House of
- 11 Representatives and the Committee on Environment
- and Public Works of the Senate a report that de-
- scribes the effectiveness of the pilot program under
- this section.
- 15 (e) Annual Review.—The Secretary shall carry out
- 16 an annual review of the commercial use of locks and make
- 17 any necessary adjustments to lock operations based on
- 18 that review.
- 19 (f) TERMINATION.—The authority to accept funds
- 20 under this section shall terminate 5 years after the date
- 21 of enactment of this Act.
- 22 SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISAS-
- TERS.
- 24 (a) IN GENERAL.—Section 5(a)(1) of the Act entitled
- 25 "An Act authorizing the construction of certain public

- 1 works on rivers and harbors for flood control, and for
- 2 other purposes", approved August 18, 1941 (33 U.S.C.
- 3 701n(a)(1), is amended in the first sentence by striking
- 4 "structure damaged or destroyed by wind, wave, or water
- 5 action of other than an ordinary nature when in the dis-
- 6 cretion of the Chief of Engineers such repair and restora-
- 7 tion is warranted for the adequate functioning of the
- 8 structure for hurricane or shore protection" and inserting
- 9 "structure or project damaged or destroyed by wind, wave,
- 10 or water action of other than an ordinary nature to the
- 11 design level of protection when, in the discretion of the
- 12 Chief of Engineers, such repair and restoration is war-
- 13 ranted for the adequate functioning of the structure or
- 14 project for hurricane or shore protection, subject to the
- 15 condition that the Chief of Engineers may include modi-
- 16 fications to the structure or project to address major defi-
- 17 ciencies".
- 18 (b) Report.—
- 19 (1) IN GENERAL.—Not later than 1 year after
- the date of enactment of this Act and every 2 years
- 21 thereafter, the Secretary shall submit to the Com-
- 22 mittee on Environment and Public Works of the
- Senate and the Committee on Transportation and
- Infrastructure of the House of Representatives a re-
- port detailing the amounts expended in the previous

1	5 fiscal years to carry out Corps of Engineers
2	projects under section 5 of the Act entitled "An Act
3	authorizing the construction of certain public works
4	on rivers and harbors for flood control, and for other
5	purposes", approved August 18, 1941 (33 U.S.C.
6	701n).
7	(2) Inclusions.—A report under paragraph
8	(1) shall, at a minimum, include a description of—
9	(A) each project for which amounts are ex-
10	pended, including the type of project and cost
11	of the project; and
12	(B) how the Secretary has restored or in-
13	tends to restore the project to the design level
14	of protection for the project.
15	SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.
16	A levee system shall remain eligible for rehabilitation
17	assistance under the authority provided by section 5 of

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

$1\;$ Sec. 2042. Funding to process permits.

2	Section 214 of the Water Resources Development Act
3	of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is
4	amended by striking subsections (d) and (e) and inserting
5	the following:
6	"(d) Public Availability.—
7	"(1) IN GENERAL.—The Secretary shall ensure
8	that all final permit decisions carried out using
9	funds authorized under this section are made avail-
10	able to the public in a common format, including on
11	the Internet, and in a manner that distinguishes
12	final permit decisions under this section from other
13	final actions of the Secretary.
14	"(2) Decision document.—The Secretary
15	shall—
16	"(A) use a standard decision document for
17	evaluating all permits using funds accepted
18	under this section; and
19	"(B) make the standard decision docu-
20	ment, along with all final permit decisions,
21	available to the public, including on the Inter-
22	net.
23	"(3) AGREEMENTS.—The Secretary shall make
24	all active agreements to accept funds under this sec-
25	tion available on a single public Internet site.
26	"(e) Reporting.—

1	"(1) In General.—The Secretary shall pre-
2	pare an annual report on the implementation of this
3	section, which, at a minimum, shall include for each
4	district of the Corps of Engineers that accepts funds
5	under this section—
6	"(A) a comprehensive list of any funds ac-
7	cepted under this section during the previous
8	fiscal year;
9	"(B) a comprehensive list of the permits
10	reviewed and approved using funds accepted
11	under this section during the previous fiscal
12	year, including a description of the size and
13	type of resources impacted and the mitigation
14	required for each permit; and
15	"(C) a description of the training offered
16	in the previous fiscal year for employees that is
17	funded in whole or in part with funds accepted
18	under this section.
19	"(2) Submission.—Not later than 90 days
20	after the end of each fiscal year, the Secretary
21	shall—
22	"(A) submit to the Committee on Environ-
23	ment and Public Works of the Senate and the
24	Committee on Transportation and Infrastruc-

1	ture of the House of Representatives the annual
2	report described in paragraph (1); and
3	"(B) make each report received under sub-
4	paragraph (A) available on a single publicly ac-
5	cessible Internet site.".
6	SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND
7	EROSION PREVENTION STUDY AND PILOT
8	PROGRAM.
9	(a) Definition of Inland and Intracoastal Wa-
10	TERWAY.—In this section, the term "inland and intra-
11	coastal waterway" means the inland and intracoastal wa-
12	terways of the United States described in section 206 of
13	the Inland Waterways Revenue Act of 1978 (33 U.S.C.
14	1804).
15	(b) PILOT PROGRAM.—The Secretary—
16	(1) is authorized to study issues relating to riv-
17	erbank stabilization and erosion prevention along in-
18	land and intracoastal waterways; and
19	(2) shall establish and carry out for a period of
20	5 fiscal years a national riverbank stabilization and
21	erosion prevention pilot program to address river-
22	bank erosion along inland and intracoastal water-
23	ways.
24	(c) Study.—

1 (1) IN GENERAL.—The Secretary, in consulta2 tion with appropriate Federal, State, local, and non3 governmental entities, shall carry out a study of the
4 options and technologies available to prevent the ero5 sion and degradation of riverbanks along inland and
6 intracoastal waterways.
7 (2) CONTENTS.—The study shall—
8 (A) evaluate the nature and extent of the

- (A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;
- (B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;
- (C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;
- (D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and

1	(E) make any recommendations the Sec-
2	retary determines to be appropriate.
3	(d) RIVERBANK STABILIZATION AND EROSION PRE-
4	VENTION PILOT PROGRAM.—
5	(1) In general.—The Secretary shall develop
6	a pilot program for the construction of riverbank
7	stabilization and erosion prevention projects on pub-
8	lic land along inland and intracoastal waterways if
9	the Secretary determines that the projects are fea-
10	sible and lower maintenance costs of those inland
11	and intracoastal waterways.
12	(2) PILOT PROGRAM GOALS.—A project under
13	the pilot program shall, to the maximum extent
14	practicable—
15	(A) develop or demonstrate innovative
16	technologies;
17	(B) implement efficient designs to prevent
18	erosion at a riverbank site, taking into account
19	the lifecycle cost of the design, including clean-
20	up, maintenance, and amortization;
21	(C) prioritize natural designs, including
22	the use of native and naturalized vegetation or
23	temporary structures that minimize permanent
24	structural alterations to the riverbank;

1	(D) avoid negative impacts to adjacent
2	communities;
3	(E) identify the potential for long-term
4	protection afforded by the innovative tech-
5	nology; and
6	(F) provide additional benefits, including
7	reduction of flood risk.
8	(3) Project selections.—The Secretary
9	shall develop criteria for the selection of projects
10	under the pilot program, including criteria based
11	on—
12	(A) the extent of damage and land loss re-
13	sulting from riverbank erosion;
14	(B) the rate of erosion;
15	(C) the significant threat of future flood
16	risk to public or private property, public infra-
17	structure, or public safety;
18	(D) the destruction of natural resources or
19	habitats; and
20	(E) the potential cost-savings for mainte-
21	nance of the channel.
22	(4) Consultation.—The Secretary shall carry
23	out the pilot program in consultation with—
24	(A) Federal, State, and local governments;
25	(B) nongovernmental organizations; and

1	(C) applicable university research facilities.
2	(5) Report.—Not later than 1 year after the
3	first fiscal year for which amounts to carry out this
4	section are appropriated, and every year thereafter,
5	the Secretary shall prepare and submit to the Com-
6	mittee on Environment and Public Works of the
7	Senate and the Committee on Transportation and
8	Infrastructure of the House of Representatives a re-
9	port describing—
10	(A) the activities carried out and accom-
11	plishments made under the pilot program since
12	the previous report under this paragraph; and
13	(B) any recommendations of the Secretary
14	relating to the program.
15	(e) Authorization of Appropriations.—There is
16	authorized to be appropriated to carry out this section
17	\$25,000,000 for each of fiscal years 2014 through 2019.
18	SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUC-
19	TION PRIORITIZATION.
20	(a) Purposes.—The purposes of this section are—
21	(1) to provide adequate levels of protection to
22	communities impacted by natural disasters, includ-
23	ing hurricanes, tropical storms, and other related ex-
24	treme weather events; and

1	(2) to expedite critical water resources projects
2	in communities that have historically been and con-
3	tinue to remain susceptible to extreme weather
4	events.
5	(b) Priority.—For authorized projects and ongoing
6	feasibility studies with a primary purpose of hurricane and
7	storm damage risk reduction, the Secretary shall give
8	funding priority to projects and ongoing studies that—
9	(1) address an imminent threat to life and
10	property;
11	(2) prevent storm surge from inundating popu-
12	lated areas;
13	(3) prevent the loss of coastal wetlands that
14	help reduce the impact of storm surge;
15	(4) protect emergency hurricane evacuation
16	routes or shelters;
17	(5) prevent adverse impacts to publicly owned
18	or funded infrastructure and assets;
19	(6) minimize disaster relief costs to the Federal
20	Government; and
21	(7) address hurricane and storm damage risk
22	reduction in an area for which the President de-
23	clared a major disaster in accordance with section
24	401 of the Robert T. Stafford Disaster Relief and
25	Emergency Assistance Act (42 U.S.C. 5170)

1	(c) Expedited Consideration of Currently Au-
2	THORIZED PROJECTS.—Not later than 180 days after the
3	date of enactment of this Act, the Secretary shall—
4	(1) submit to the Committee on Environment
5	and Public Works of the Senate and the Committee
6	on Transportation and Infrastructure of the House
7	of Representatives a list of all—
8	(A) ongoing hurricane and storm damage
9	reduction feasibility studies that have signed
10	feasibility cost share agreements and have re-
11	ceived Federal funds since 2009; and
12	(B) authorized hurricane and storm dam-
13	age reduction projects that—
14	(i) have been authorized for more
15	than 20 years but are less than 75 percent
16	complete; or
17	(ii) are undergoing a post-authoriza-
18	tion change report, general reevaluation re-
19	port, or limited reevaluation report;
20	(2) identify those projects on the list required
21	under paragraph (1) that meet the criteria described
22	in subsection (b); and
23	(3) provide a plan for expeditiously completing
24	the projects identified under paragraph (2), subject
25	to available funding.

1	(d) Prioritization of New Studies for Hurri-
2	CANE AND STORM DAMAGE RISK REDUCTION.—In select-
3	ing new studies for hurricane and storm damage reduction
4	to propose to Congress under section 4002, the Secretary
5	shall give priority to studies—
6	(1) that—
7	(A) have been recommended in a com-
8	prehensive hurricane protection study carried
9	out by the Corps of Engineers; or
10	(B) are included in a State plan or pro-
11	gram for hurricane, storm damage reduction,
12	flood control, coastal protection, conservation,
13	or restoration, that is created in consultation
14	with the Corps of Engineers or other relevant
15	Federal agencies; and
16	(2) for areas for which the President declared
17	a major disaster in accordance with section 401 of
18	the Robert T. Stafford Disaster Relief and Emer-
19	gency Assistance Act (42 U.S.C. 5170).
20	SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION
21	EFFORTS.
22	For authorized projects with a primary purpose of
23	ecosystem restoration, the Secretary shall give funding
24	priority to projects—
25	(1) that—

1	(A) address an identified threat to public
2	health, safety, or welfare;
3	(B) preserve, establish, or restore habitats
4	of national significance; and
5	(C) preserve habitats of importance for
6	federally protected species, including migratory
7	birds; and
8	(2) for which the restoration activities will con-
9	tribute to other ongoing or planned Federal, State,
10	or local restoration initiatives.
11	SEC. 2046. SPECIAL USE PERMITS.
12	(a) Special Use Permits.—
13	(1) In General.—The Secretary may issue
14	special permits for uses such as group activities,
15	recreation events, motorized recreation vehicles, and
16	such other specialized recreation uses as the Sec-
17	retary determines to be appropriate, subject to such
18	terms and conditions as the Secretary determines to
19	be in the best interest of the Federal Government.
20	(2) Fees.—
21	(A) In general.—In carrying out this
22	subsection, the Secretary may—
23	(i) establish and collect fees associated
24	with the issuance of the permits described
25	in paragraph (1); or

1	(ii) accept in-kind services in lieu of
2	those fees.
3	(B) Outdoor recreation equipment.—
4	The Secretary may establish and collect fees for
5	the provision of outdoor recreation equipment
6	and services at public recreation areas located
7	at lakes and reservoirs operated by the Corps of
8	Engineers.
9	(C) Use of fees.—Any fees generated
10	pursuant to this subsection shall be—
11	(i) retained at the site collected; and
12	(ii) available for use, without further
13	appropriation, solely for administering the
14	special permits under this subsection and
15	carrying out related operation and mainte-
16	nance activities at the site at which the
17	fees are collected.
18	(b) Cooperative Management.—
19	(1) Program.—
20	(A) In general.—Subject to subpara-
21	graph (B), the Secretary may enter into an
22	agreement with a State or local government to
23	provide for the cooperative management of a
24	public recreation area if—

1	(i) the public recreation area is lo-
2	cated—
3	(I) at a lake or reservoir operated
4	by the Corps of Engineers; and
5	(II) adjacent to or near a State
6	or local park or recreation area; and
7	(ii) the Secretary determines that co-
8	operative management between the Corps
9	of Engineers and a State or local govern-
10	ment agency of a portion of the Corps of
11	Engineers recreation area or State or local
12	park or recreation area will allow for more
13	effective and efficient management of those
14	areas.
15	(B) RESTRICTION.—The Secretary may
16	not transfer administration responsibilities for
17	any public recreation area operated by the
18	Corps of Engineers.
19	(2) Acquisition of goods and services.—
20	The Secretary may acquire from or provide to a
21	State or local government with which the Secretary
22	has entered into a cooperative agreement under
23	paragraph (1) goods and services to be used by the
24	Secretary and the State or local government in the

- 1 cooperative management of the areas covered by the 2 agreement.
 - enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) Funding Transfer Authority.—

(1) In General.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

1	(2) Cooperative agreements.—Any transfer
2	of funds pursuant to this subsection shall be carried
3	out through the execution of a cooperative agree-
4	ment, which shall contain such terms and conditions
5	as the Secretary determines to be necessary in the
6	public interest.
7	(d) Services of Volunteers.—Chapter IV of title
8	I of Public Law 98–63 (33 U.S.C. 569c) is amended—
9	(1) in the first sentence, by inserting ", includ-
10	ing expenses relating to uniforms, transportation,
11	lodging, and the subsistence of those volunteers,
12	without regard to the place of residence of the volun-
13	teers," after "incidental expenses"; and
14	(2) by inserting after the first sentence the fol-
15	lowing: "The Chief of Engineers may also provide
16	awards of up to \$100 in value to volunteers in rec-
17	ognition of the services of the volunteers.".
18	(e) Training and Educational Activities.—Sec-
19	tion 213(a) of the Water Resources Development Act of
20	2000 (33 U.S.C. 2339) is amended by striking "at" and
21	inserting "about".
22	SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL
23	TAXED INLAND WATERWAYS.
24	(a) In General.—Notwithstanding any other provi-
25	sion of law, the Secretary shall have responsibility for 65

1	percent of the costs of the operation, maintenance, repair
2	rehabilitation, and replacement of any flood gate, as well
3	as any pumping station constructed within the channel as
4	a single unit with that flood gate, that—
5	(1) was constructed as of the date of enactment
6	of this Act as a feature of an authorized hurricane
7	and storm damage reduction project; and
8	(2) crosses an inland or intracoastal waterway
9	described in section 206 of the Inland Waterways
10	Revenue Act of 1978 (33 U.S.C. 1804).
11	(b) Payment Options.—For rehabilitation or re-
12	placement of any structure under this section, the Sec-
13	retary may apply to the full non-Federal contribution the
14	payment option provisions under section 103(k) of the
15	Water Resources Development Act of 1986 (33 U.S.C.
16	2213(k)).
17	SEC. 2048. CORROSION PREVENTION.
18	(a) Guidance and Procedures.—The Secretary
19	shall develop guidance and procedures for the certification
20	of qualified contractors for—
21	(1) the application of protective coatings; and
22	(2) the removal of hazardous protective coat-

ings.

1	(b) Requirements.—Except as provided in sub-
2	section (c), the Secretary shall use certified contractors
3	for—
4	(1) the application of protective coatings for
5	complex work involving steel and cementitious struc-
6	tures, including structures that will be exposed in
7	immersion;
8	(2) the removal of hazardous coatings or other
9	hazardous materials that are present in sufficient
10	concentrations to create an occupational or environ-
11	mental hazard; and
12	(3) any other activities the Secretary deter-
13	mines to be appropriate.
14	(c) Exception.—The Secretary may approve excep-
15	tions to the use of certified contractors under subsection
16	(b) only after public notice, with the opportunity for com-
17	ment, of any such proposal.
18	SEC. 2049. PROJECT DEAUTHORIZATIONS.
19	Section 1001(b) of the Water Resources Development
20	Act of 1986 (33 U.S.C. 579a(b)) is amended—
21	(1) by striking paragraph (2) and inserting the
22	following:
23	"(2) List of projects.—
24	"(A) IN GENERAL.—Notwithstanding sec-
25	tion 3003 of Public Law 104–66 (31 U.S.C.

1	1113 note; 109 Stat. 734), each year, after the
2	submission of the list under paragraph (1), the
3	Secretary shall submit to Congress a list of
4	projects or separable elements of projects that
5	have been authorized but that have received no
6	obligations during the 5 full fiscal years pre-
7	ceding the submission of that list.
8	"(B) Additional notification.—On
9	submission of the list under subparagraph (A)
10	to Congress, the Secretary shall notify—
11	"(i) each Senator in whose State and
12	each Member of the House of Representa-
13	tives in whose district a project (including
14	any part of a project) on that list would be
15	located; and
16	"(ii) each applicable non-Federal in-
17	terest associated with a project (including
18	any part of a project) on that list.
19	"(C) Deauthorization.—A project or
20	separable element included in the list under
21	subparagraph (A) is not authorized after the
22	last date of the fiscal year following the fiscal
23	year in which the list is submitted to Congress,
24	if funding has not been obligated for the plan-

1	ning, design, or construction of the project or
2	element of the project during that period."; and
3	(2) by adding at the end the following:
4	"(3) MINIMUM FUNDING LIST.—At the end of
5	each fiscal year, the Secretary shall submit to Con-
6	gress a list of—
7	"(A) projects or separable elements of
8	projects authorized for construction for which
9	funding has been obligated in the 5 previous
10	fiscal years;
11	"(B) the amount of funding obligated per
12	fiscal year;
13	"(C) the current phase of each project or
14	separable element of a project; and
15	"(D) the amount required to complete
16	those phases.
17	"(4) Report.—
18	"(A) In General.—Not later than 180
19	days after the date of enactment of the Water
20	Resources Development Act of 2013, the Sec-
21	retary shall compile and publish a complete list
22	of all uncompleted, authorized projects of the
23	Corps of Engineers, including for each project
24	on that list—

1	"(i) the original budget authority for
2	the project;
3	"(ii) the status of the project;
4	"(iii) the estimated date of completion
5	of the project;
6	"(iv) the estimated cost of completion
7	of the project; and
8	"(v) any amounts for the project that
9	remain unobligated.
10	"(B) Publication.—
11	"(i) In GENERAL.—The Secretary
12	shall submit a copy of the list under sub-
13	paragraph (A) to—
14	"(I) the appropriate committees
15	of Congress; and
16	"(II) the Director of the Office of
17	Management and Budget.
18	"(ii) Public availability.—Not
19	later than 30 days after providing the re-
20	port to Congress under clause (i), the Sec-
21	retary shall make a copy of the list avail-
22	able on a publicly accessible Internet site,
23	in a manner that is downloadable, search-
24	able, and sortable.".

1 SEC. 2050. REPORTS TO CONGRESS.

2	(a) In General.—Subject to the availability of ap-
3	propriations, the Secretary shall complete and submit to
4	Congress by the applicable date required the reports that
5	address public safety and enhanced local participation in
6	project delivery described in subsection (b).
7	(b) Reports.—The reports referred to in subsection
8	(a) are the reports required under—
9	(1) section 2020;
10	(2) section 2022;
11	(3) section 2025;
12	(4) section 2026;
13	(5) section 2039;
14	(6) section 2040;
15	(7) section 6007; and
16	(8) section 10015.
17	(c) Failure To Provide a Completed Report.—
18	(1) In general.—Subject to subsection (d), if
19	the Secretary fails to provide a report listed under
20	subsection (b) by the date that is 180 days after the
21	applicable date required for that report, \$5,000 shall
22	be reprogrammed from the Office of the Assistant
23	Secretary of the Army for Civil Works into the ac-
24	count of the division of the Secretary of the Army
25	with responsibility for completing that report.

1 Subsequent Reprogramming.—Subject 2 to subsection (d), for each additional week after the 3 date described in paragraph (1) in which a report 4 described in that paragraph remains uncompleted 5 and unsubmitted to Congress, \$5,000 shall be repro-6 grammed from the Office of the Assistant Secretary 7 of the Army for Civil Works into the account of the 8 division of the Secretary of the Army with responsi-9 bility for completing that report. 10

(d) Limitations.—

11

12

- (1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, \$50,000.
- 14 (2)AGGREGATE LIMITATION.—The total 15 amount reprogrammed under subsection (c) in a fis-16 cal year shall not exceed \$200,000.
- 17 (e) NO FAULT OF THE SECRETARY.—Amounts shall 18 not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Con-19 20 gress that—
- 21 (1) a major modification has been made to the 22 content of the report that requires additional anal-23 ysis for the Secretary to make a final decision on the 24 report;

1	(2) amounts have not been appropriated to the
2	agency under this Act or any other Act to carry out
3	the report; or
4	(3) additional information is required from an
5	entity other than the Corps of Engineers and is not
6	available in a timely manner to complete the report
7	by the deadline.
8	(f) Limitation.—The Secretary shall not reprogram
9	funds to reimburse the Office of the Assistant Secretary
10	of the Army for Civil Works for the loss of the funds.
11	(g) AUTHORIZATION OF APPROPRIATIONS.—There is
12	authorized to be appropriated to carry out this section
13	\$10,000,000.
14	TITLE III—PROJECT
15	MODIFICATIONS
16	SEC. 3001. PURPOSE.
17	The purpose of this title is to modify existing water
18	resource project authorizations, subject to the condition
19	that the modifications do not affect authorized costs.
20	SEC. 3002. CHATFIELD RESERVOIR, COLORADO.
21	Section 116 of the Energy and Water Development
22	and Related Agencies Appropriations Act, 2009 (123 Stat.
23	608), is amended in the matter preceding the proviso by
24	inserting "(or a designee of the Department)" after "Colo-

1	SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION
2	COMMITTEE EXPENSES REIMBURSEMENT.
3	Section 5018(b)(5) of the Water Resources Develop-
4	ment Act of 2007 (121 Stat. 1200) is amended by striking
5	subparagraph (B) and inserting the following:
6	"(B) Travel expenses.—Subject to the
7	availability of funds, the Secretary may reim-
8	burse a member of the Committee for travel ex-
9	penses, including per diem in lieu of subsist-
10	ence, at rates authorized for an employee of a
11	Federal agency under subchapter I of chapter
12	57 of title 5, United States Code, while away
13	from the home or regular place of business of
14	the member in performance of services for the
15	Committee.".
16	SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION
17	STUDY.
18	With respect to the study for flood and storm damage
19	reduction related to natural disasters to by carried out by
20	the Secretary and authorized under the heading "INVES-
21	TIGATIONS" under title II of division A of Public Law
22	113–2, the Secretary shall include, to the maximum extent
23	practicable, specific project recommendations in the report
24	developed for that study.

1 SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.

- 2 Section 3109 of the Water Resources Development
- 3 Act of 2007 (121 Stat. 1135) is amended—
- 4 (1) by striking "The Secretary may" and in-
- 5 serting the following:
- 6 "(a) IN GENERAL.—The Secretary may"; and
- 7 (2) by adding at the end the following:
- 8 "(b) Local Participation.—In carrying out sub-
- 9 section (a), the Secretary shall consult with, and consider
- 10 the activities being carried out by—
- 11 "(1) other Federal agencies;
- 12 "(2) conservation districts;
- "(3) the Yellowstone River Conservation Dis-
- trict Council; and
- 15 "(4) the State of Montana.".
- 16 SEC. 3006. PROJECT DEAUTHORIZATIONS.
- 17 (a) Goose Creek, Somerset County, Mary-
- 18 LAND.—The project for navigation, Goose Creek, Som-
- 19 erset County, Maryland, carried out pursuant to section
- 20 107 of the Rivers and Harbor Act of 1960 (33 U.S.C.
- 21 577), is realigned as follows: Beginning at Goose Creek
- 22 Channel Geometry Centerline of the 60-foot-wide main
- 23 navigational ship channel, Centerline Station No. 0+00,
- 24 coordinates North 157851.80, East 1636954.70, as stated
- 25 and depicted on the Condition Survey Goose Creek, Sheet
- 26 1 of 1, prepared by the United States Army Corps of En-

- 1 gineers, Baltimore District, July 2003; thence departing
- 2 the aforementioned centerline traveling the following
- 3 courses and distances: S. 64 degrees 49 minutes 06 sec-
- 4 onds E., 1583.82 feet to a point, on the outline of said
- 5 60-foot-wide channel thence binding on said out-line the
- 6 following four courses and distances: S. 63 degrees 26
- 7 minutes 06 seconds E., 1460.05 feet to a point, thence;
- 8 N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to
- 9 a point, thence; N. 26 degrees 13 minutes 09 seconds W.,
- 10 240.39 feet to a point on the Left Toe of the 60-foot-
- 11 wide main navigational channel at computed Centerline
- 12 Station No. 42+57.54, coordinates North 157357.84,
- 13 East 1640340.23. Geometry Left Toe of the 60-foot-wide
- 14 main navigational ship channel, Left Toe Station No.
- 15 0+00, coordinates North 157879.00, East 1636967.40,
- 16 as stated and depicted on the Condition Survey Goose
- 17 Creek, Sheet 1 of 1, prepared by the United States Army
- 18 Corps of Engineers, Baltimore District, August 2010;
- 19 thence departing the aforementioned centerline traveling
- 20 the following courses and distances: S. 64 degrees 49 min-
- 21 utes 12 seconds E., 1583.91 feet to a point, on the outline
- 22 of said 60-foot-wide channel thence binding on said out-
- 23 line the following eight courses and distances: S. 63 de-
- 24 grees 25 minutes 38 seconds E., 1366.25 feet to a point,
- 25 thence; N. 83 degrees 36 minutes 24 seconds E., 125.85

- 1 feet to a point, thence; N. 50 degrees 38 minutes 26 sec-
- 2 onds E., 805.19 feet to a point, thence; N. 12 degrees
- 3 12 minutes 29 seconds E., 78.33 feet to a point thence;
- 4 N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to
- 5 a point thence; S. 63 degrees 45 minutes 41 seconds W.,
- 6 54.96 feet to a point thence; N. 26 degrees 13 minutes
- 7 24 seconds W., 119.94 feet to a point on the Left Toe
- 8 of the 60-foot-wide main navigational channel at computed
- 9 Centerline Station No. 41+81.10, coordinates North
- 10 157320.30, East 1640264.00. Geometry Right Toe of the
- 11 60-foot-wide main navigational ship channel, Right Toe
- 12 Station No. 0+00, coordinates North 157824.70, East
- 13 1636941.90, as stated and depicted on the Condition Sur-
- 14 vey Goose Creek, Sheet 1 of 1, prepared by the United
- 15 States Army Corps of Engineers, Baltimore District, Au-
- 16 gust 2010; thence departing the aforementioned centerline
- 17 traveling the following courses and distances: S. 64 de-
- 18 grees 49 minutes 06 seconds E., 1583.82 feet to a point,
- 19 on the outline of said 60-foot-wide channel thence binding
- 20 on said out-line the following six courses and distances:
- 21 S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to
- 22 a point, thence; N. 50 degrees 38 minutes 26 seconds E.,
- 23 1016.69 feet to a point, thence; N. 26 degrees 14 minutes
- 24 49 seconds W., 144.26 feet to a point, thence; N. 63 de-
- 25 grees 54 minutes 03 seconds E., 55.01 feet to a point

- 1 thence; N. 26 degrees 12 minutes 08 seconds W., 120.03
- 2 feet to a point a point on the Right Toe of the 60-foot-
- 3 wide main navigational channel at computed Centerline
- 4 Station No. 43+98.61, coordinates North 157395.40,
- 5 East 1640416.50.
- 6 (b) Lower Thoroughfare, Deal Island, Mary-
- 7 LAND.—Beginning on the date of enactment of this Act,
- 8 the Secretary is no longer authorized to carry out the por-
- 9 tion of the project for navigation, Lower Thoroughfare,
- 10 Maryland, authorized by the Act of June 25, 1910 (36)
- 11 Stat. 630, chapter 382) (commonly known as the "River
- 12 and Harbor Act of 1910"), that begins at Lower Thor-
- 13 oughfare Channel Geometry Centerline of the 60-foot-wide
- 14 main navigational ship channel, Centerline Station No.
- 15 44+88, coordinates North 170435.62, East 1614588.93,
- 16 as stated and depicted on the Condition Survey Lower
- 17 Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the
- 18 United States Army Corps of Engineers, Baltimore Dis-
- 19 trict, August 2010; thence departing the aforementioned
- 20 centerline traveling the following courses and distances: S.
- 21 42 degrees 20 minutes 44 seconds W., 30.00 feet to a
- 22 point, on the outline of said 60-foot-wide channel thence
- 23 binding on said out-line the following four courses and dis-
- 24 tances: N. 64 degrees 08 minutes 55 seconds W., 53.85
- 25 feet to a point, thence; N. 42 degrees 20 minutes 43 sec-

- 1 onds W., 250.08 feet to a point, thence; N. 47 degrees
- 2 39 minutes 03 seconds E., 20.00 feet to a point, thence;
- 3 S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to
- 4 a point binding on the Left Toe of the 60-foot-wide main
- 5 navigational channel at computed Centerline Station No.
- 6 43+92.67, coordinates North 170415.41, 1614566.76;
- 7 thence; continuing with the aforementioned centerline the
- 8 following courses and distances: S. 42 degrees 20 minutes
- 9 42 seconds W., 30.00 feet to a point, on the outline of
- 10 said 60-foot-wide channel thence binding on said out-line
- 11 the following four courses and distances: N. 20 degrees
- 12 32 minutes 06 seconds W., 53.85 feet to a point, thence;
- 13 N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to
- 14 a point, thence; S. 47 degrees 39 minutes 03 seconds W.,
- 15 20.00 feet to a point, thence; S. 42 degrees 20 minutes
- 16 46 seconds E., 300.08 feet to a point binding on the Left
- 17 Toe of the 60-foot-wide main navigational channel at com-
- 18 puted Centerline Station No. 43+92.67, coordinates
- 19 North 170415.41, 1614566.76.
- 20 (c) Thomaston Harbor, Georges River,
- 21 Maine.—Beginning on the date of enactment of this Act,
- 22 the Secretary is no longer authorized to carry out the por-
- 23 tion of the project for navigation, Georges River, Maine
- 24 (Thomaston Harbor), authorized by the first section of the
- 25 Act of June 3, 1896 (29 Stat. 215, chapter 314), and

- 1 modified by section 317 of the Water Resources Develop-
- 2 ment Act of 2000 (Public Law 106–541; 114 Stat. 2604),
- 3 that lies northwesterly of a line commencing at point
- 4 N87,220.51, E321,065.80 thence running northeasterly
- 5 about 125 feet to a point N87,338.71, E321,106.46.
- 6 (d) Warwick Cove, Rhode Island.—Beginning on
- 7 the date of enactment of this Act, the Secretary is no
- 8 longer authorized to carry out the portion of the project
- 9 for navigation, Warwick Cove, Rhode Island, authorized
- 10 by section 107 of the River and Harbor Act of 1960 (33)
- 11 U.S.C. 577) that is located within the 5 acre anchorage
- 12 area east of the channel and lying east of the line begin-
- 13 ning at a point with coordinates N220,349.79,
- 14 E357,664.90 thence running north 9 degrees 10 minutes
- 15 21.5 seconds west 170.38 feet to a point N220,517.99,
- 16 E357,637.74 thence running north 17 degrees 44 minutes
- 17 30.4 seconds west 165.98 feet to a point N220,676.08,
- 18 E357,587.16 thence running north 0 degrees 46 minutes
- 19 0.9 seconds east 138.96 feet to a point N220,815.03,
- 20 E357,589.02 thence running north 8 degrees 36 minutes
- 21 22.9 seconds east 101.57 feet to a point N220,915.46,
- 22 E357,604.22 thence running north 18 degrees 18 minutes
- 23 27.3 seconds east 168.20 feet to a point N221,075.14,
- 24 E357,657.05 thence running north 34 degrees 42 minutes
- 25 7.2 seconds east 106.4 feet to a point N221,162.62,

- 1 E357,717.63 thence running south 29 degrees 14 minutes
- 2 17.4 seconds east 26.79 feet to a point N221,139.24,
- 3 E357,730.71 thence running south 30 degrees 45 minutes
- 4 30.5 seconds west 230.46 feet to a point N220,941.20,
- 5 E357,612.85 thence running south 10 degrees 49 minutes
- 6 12.0 seconds west 95.46 feet to a point N220,847.44,
- 7 E357,594.93 thence running south 9 degrees 13 minutes
- 8 44.5 seconds east 491.68 feet to a point N220,362.12,
- 9 E357,673.79 thence running south 35 degrees 47 minutes
- 10 19.4 seconds west 15.20 feet to the point of origin.
- 11 SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-
- 12 BASIN, NEW JERSEY.
- 13 Title I of the Energy and Water Development Appro-
- 14 priations Act, 1998 (Public Law 105–62; 111 Stat. 1327)
- 15 is amended by striking section 102.
- 16 SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKAN-
- 17 SAS. LOUISIANA.
- 18 (a) In General.—The Secretary is authorized to re-
- 19 assign unused irrigation storage within a reservoir on the
- 20 Red River Basin to municipal and industrial water supply
- 21 for use by a non-Federal interest if that non-Federal inter-
- 22 est has already contracted for a share of municipal and
- 23 industrial water supply on the same reservoir.
- 24 (b) Non-Federal Interest.—A reassignment of
- 25 storage under subsection (a) shall be contingent upon the

1	execution of an agreement between the Secretary and the
2	applicable non-Federal interest.
3	TITLE IV—WATER RESOURCE
4	STUDIES
5	SEC. 4001. PURPOSE.
6	The purpose of this title is to direct the Corps of En-
7	gineers to study and recommend solutions for water re-
8	source issues relating to flood risk and storm damage re-
9	duction, navigation, and ecosystem restoration.
10	SEC. 4002. INITIATION OF NEW WATER RESOURCES STUD-
11	IES.
12	(a) In General.—Subject to subsections (b), (c),
13	and (d), the Secretary may initiate a study—
14	(1) to determine the feasibility of carrying out
15	1 or more projects for flood risk management, storm
16	damage reduction, ecosystem restoration, navigation,
17	hydropower, or related purposes; or
18	(2) to carry out watershed and river basin as-
19	sessments in accordance with section 729 of the
20	Water Resources Development Act of 1986 (33
21	U.S.C. 2267a).
22	(b) Criteria.—The Secretary may only initiate a
23	study under subsection (a) if—
24	(1) the study—

1	(A) has been requested by an eligible non-
2	Federal interest;
3	(B) is for an area that is likely to include
4	a project with a Federal interest; and
5	(C) addresses a high-priority water re-
6	source issue necessary for the protection of
7	human life and property, the environment, or
8	the national security interests of the United
9	States; and
10	(2) the non-Federal interest has dem-
11	onstrated—
12	(A) that local support exists for addressing
13	the water resource issue; and
14	(B) the financial ability to provide the re-
15	quired non-Federal cost-share.
16	(c) Congressional Approval.—
17	(1) Submission to congress.—Prior to initi-
18	ating a study under subsection (a), the Secretary
19	shall submit to the Committees on Environment and
20	Public Works and Appropriations of the Senate and
21	the Committees on Transportation and Infrastruc-
22	ture and Appropriations of the House—
23	(A) a description of the study, including
24	the geographical area addressed by the study;

1	(B) a description of how the study meets
2	each of the requirements of subsection (b); and
3	(C) a certification that the proposed study
4	can be completed within 3 years and for a Fed-
5	eral cost of not more than \$3,000,000.
6	(2) Expenditure of funds.—No funds may
7	be spent on a study initiated under subsection (a)
8	unless—
9	(A) the required information is submitted
10	to Congress under paragraph (1); and
11	(B) after such submission, amounts are
12	appropriated to continue construction of the
13	project in an appropriations or other Act to ini-
14	tiate the study.
15	(3) Additional notification.—The Sec-
16	retary shall notify each Senator or Member of Con-
17	gress with a State or congressional district in the
18	study area described in paragraph (1)(A).
19	(d) Limitations.—
20	(1) In general.—Subsection (a) shall not
21	apply to a project for which a study has been au-
22	thorized prior to the date of enactment of this Act.
23	(2) New studies and projects.—In each fis-
24	cal year, the Secretary may initiate not more than—

(A) 3 new studies in each of the primary

2	areas of responsibility of the Corps of Engi-
3	neers; and
4	(B) 3 projects from any 1 division of the
5	Corps of Engineers.
6	(e) Termination.—The authority under subsection
7	(a) expires on the date that is 3 years after the date of
8	enactment of this Act.
9	(f) AUTHORIZATION OF APPROPRIATIONS.—There is
10	authorized to be appropriated to the Secretary to carry
11	out this section \$25,000,000 for each of fiscal years 2014
12	through 2017.
13	SEC. 4003. APPLICABILITY.
14	(a) In General.—Nothing in this title authorizes
15	the construction of a water resources project.
16	(b) New Authorization Required.—New author-
17	ization from Congress is required before any project evalu-
18	ated in a study under this title is constructed.
19	TITLE V—REGIONAL AND
20	NONPROJECT PROVISIONS
21	SEC. 5001. PURPOSE.
22	The purpose of this title is to authorize regional,
23	multistate authorities to address water resource needs and
24	other non-project provisions.

1	SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RES-
2	TORATION.
3	(a) In General.—The Secretary shall plan, design,
4	and construct projects for aquatic ecosystem restoration
5	within the coastal waters of the Northeastern United
6	States from the State of Virginia to the State of Maine,
7	including associated bays, estuaries, and critical riverine
8	areas.
9	(b) General Coastal Management Plan.—
10	(1) Assessment.—The Secretary, in coordina-
11	tion with the Administrator of the Environmental
12	Protection Agency, the heads of other appropriate
13	Federal agencies, the Governors of the coastal
14	States from Virginia to Maine, nonprofit organiza-
15	tions, and other interested parties, shall assess the
16	needs regarding, and opportunities for, aquatic eco-
17	system restoration within the coastal waters of the
18	Northeastern United States.
19	(2) Plan.—The Secretary shall develop a gen-
20	eral coastal management plan based on the assess-
21	ment carried out under paragraph (1), maximizing
22	the use of existing plans and investigation, which
23	plan shall include—
24	(A) an inventory and evaluation of coastal
25	habitats;

1	(B) identification of aquatic resources in
2	need of improvement;
3	(C) identification and prioritization of po-
4	tential aquatic habitat restoration projects; and
5	(D) identification of geographical and eco-
6	logical areas of concern, including—
7	(i) finfish habitats;
8	(ii) diadromous fisheries migratory
9	corridors;
10	(iii) shellfish habitats;
11	(iv) submerged aquatic vegetation;
12	(v) wetland; and
13	(vi) beach dune complexes and other
14	similar habitats.
15	(c) Eligible Projects.—The Secretary may carry
16	out an aquatic ecosystem restoration project under this
17	section if the project—
18	(1) is consistent with the management plan de-
19	veloped under subsection (b); and
20	(2) provides for—
21	(A) the restoration of degraded aquatic
22	habitat (including coastal, saltmarsh, benthic,
23	and riverine habitat);

1	(B) the restoration of geographical or eco-
2	logical areas of concern, including the restora-
3	tion of natural river and stream characteristics;
4	(C) the improvement of water quality; or
5	(D) other projects or activities determined
6	to be appropriate by the Secretary.
7	(d) Cost Sharing.—
8	(1) Management Plan.—The management
9	plan developed under subsection (b) shall be com-
10	pleted at Federal expense.
11	(2) RESTORATION PROJECTS.—The non-Fed-
12	eral share of the cost of a project carried out under
13	this section shall be 35 percent.
14	(e) Cost Limitation.—Not more than \$10,000,000
15	in Federal funds may be allocated under this section for
16	an eligible project.
17	(f) Authorization of Appropriations.—There is
18	authorized to be appropriated to carry out this section (in-
19	cluding funds for the completion of the management plan)
20	\$25,000,000 for each of fiscal years 2014 through 2018.
21	SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-
22	TION AND PROTECTION PROGRAM.
23	Section 510 of the Water Resources Development Act
24	of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat.
25	1202) is amended—

1	(1) in subsection (a)—
2	(A) in paragraph (1)—
3	(i) by striking "pilot program" and
4	inserting "program"; and
5	(ii) by inserting "in the basin States
6	described in subsection (f) and the District
7	of Columbia" after "interests"; and
8	(B) by striking paragraph (2) and insert-
9	ing the following:
10	"(2) FORM.—The assistance under paragraph
11	(1) shall be in the form of design and construction
12	assistance for water-related resource protection and
13	restoration projects affecting the Chesapeake Bay
14	estuary, based on the comprehensive plan under sub-
15	section (b), including projects for—
16	"(A) sediment and erosion control;
17	"(B) protection of eroding shorelines;
18	"(C) ecosystem restoration, including res-
19	toration of submerged aquatic vegetation;
20	"(D) protection of essential public works;
21	"(E) beneficial uses of dredged material;
22	and
23	"(F) other related projects that may en-
24	hance the living resources of the estuary.";

1	(2) by striking subsection (b) and inserting the
2	following:
3	"(b) Comprehensive Plan.—
4	"(1) In general.—Not later than 2 years
5	after the date of enactment of the Water Resources
6	Development Act of 2013, the Secretary, in coopera-
7	tion with State and local governmental officials and
8	affected stakeholders, shall develop a comprehensive
9	Chesapeake Bay restoration plan to guide the imple-
10	mentation of projects under subsection (a)(2).
11	"(2) COORDINATION.—The restoration plan de-
12	scribed in paragraph (1) shall, to the maximum ex-
13	tent practicable, consider and avoid duplication of
14	any ongoing or planned actions of other Federal,
15	State, and local agencies and nongovernmental orga-
16	nizations.
17	"(3) Prioritization.—The restoration plan
18	described in paragraph (1) shall give priority to
19	projects eligible under subsection (a)(2) that will
20	also improve water quality or quantity or use nat-
21	ural hydrological features and systems.
22	"(4) Administration.—The Federal share of
23	the costs of carrying out paragraph (1) shall be 75
24	percent.";
25	(3) in subsection (c)—

1	(A) in paragraph (1), by striking "to pro-
2	vide" and all that follows through the period at
3	the end and inserting "for the design and con-
4	struction of a project carried out pursuant to
5	the comprehensive Chesapeake Bay restoration
6	plan described in subsection (b).";
7	(B) in paragraph (2)(A), by striking "fa-
8	cilities or resource protection and development
9	plan" and inserting "resource protection and
10	restoration plan"; and
11	(C) by adding at the end the following:
12	"(3) Projects on Federal Land.—A project
13	carried out pursuant to the comprehensive Chesa-
14	peake Bay restoration plan described in subsection
15	(b) that is located on Federal land shall be carried
16	out at the expense of the Federal agency that owns
17	the land on which the project will be a carried out.
18	"(4) Non-federal contributions.—A Fed-
19	eral agency carrying out a project described in para-
20	graph (3) may accept contributions of funds from
21	non-Federal entities to carry out that project.";
22	(4) by striking subsection (e) and inserting the
23	following:
24	"(e) Cooperation.—In carrying out this section, the
25	Secretary shall cooperate with—

1	"(1) the heads of appropriate Federal agencies,
2	including—
3	"(A) the Administrator of the Environ-
4	mental Protection Agency;
5	"(B) the Secretary of Commerce, acting
6	through the Administrator of the National
7	Oceanographic and Atmospheric Administra-
8	tion;
9	"(C) the Secretary of the Interior, acting
10	through the Director of the United States Fish
11	and Wildlife Service; and
12	"(D) the heads of such other Federal
13	agencies as the Secretary determines to be ap-
14	propriate; and
15	"(2) agencies of a State or political subdivision
16	of a State, including the Chesapeake Bay Commis-
17	sion.";
18	(5) by striking subsection (f) and inserting the
19	following:
20	"(f) Projects.—The Secretary shall establish, to
21	the maximum extent practicable, at least 1 project under
22	this section in—
23	"(1) regions within the Chesapeake Bay water-
24	shed of each of the basin States of Delaware, Mary-

1	land, New York, Pennsylvania, Virginia, and West
2	Virginia; and
3	"(2) the District of Columbia.";
4	(6) by striking subsection (h); and
5	(7) by redesignating subsection (i) as subsection
6	(h).
7	SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT
8	PROGRAM, COLORADO, NEW MEXICO, TEXAS.
9	Section 5056 of the Water Resources Development
10	Act of 2007 (121 Stat. 1213) is amended—
11	(1) in subsection $(b)(2)$ —
12	(A) in the matter preceding subparagraph
13	(A), by striking "2008" and inserting "2014";
14	and
15	(B) in subparagraph (C), by inserting
16	"and an assessment of needs for other related
17	purposes in the Rio Grande Basin, including
18	flood damage reduction" after "assessment";
19	(2) in subsection $(e)(2)$ —
20	(A) by striking "an interagency agreement
21	with" and inserting "1 or more interagency
22	agreements with the Secretary of State and";
23	and
24	(B) by inserting "or the U.S. Section of
25	the International Boundary and Water Com-

1	mission" after "the Department of the Inte-
2	rior"; and
3	(3) in subsection (f), by striking "2011" and
4	inserting "2024".
5	SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY
6	ECOSYSTEM RESTORATION, OREGON AND
7	WASHINGTON.
8	Section 536(g) of the Water Resources Development
9	Act of 2000 (114 Stat. 2661) is amended by striking
10	"\$30,000,000" and inserting "\$75,000,000".
11	SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.
12	(a) Project Goal.—The goal for operation of the
13	McClellan-Kerr Arkansas River navigation system, Arkan-
14	sas and Oklahoma, shall be to maximize the use of the
15	system in a balanced approach that incorporates advice
16	from representatives from all project purposes to ensure
17	that the full value of the system is realized by the United
18	States.
19	(b) McClellan-Kerr Arkansas River Naviga-
20	TION SYSTEM ADVISORY COMMITTEE.—
21	(1) In general.—In accordance with the Fed-
22	eral Advisory Committee Act (5 U.S.C. App.), the
23	Secretary shall establish an advisory committee for
24	the McClellan-Kerr Arkansas River navigation sys-
25	tem, Arkansas and Oklahoma, project authorized by

1	the Act of July 24, 1946 (60 Stat. 635, chapter
2	595).
3	(2) Duties.—The advisory committee shall—
4	(A) serve in an advisory capacity only; and
5	(B) provide information and recommenda-
6	tions to the Corps of Engineers relating to the
7	efficiency, reliability, and availability of the op-
8	erations of the McClellan-Kerr Arkansas River
9	navigation system.
10	(3) Selection and composition.—The advi-
11	sory committee shall be—
12	(A) selected jointly by the Little Rock dis-
13	trict engineer and the Tulsa district engineer;
14	and
15	(B) composed of members that equally rep-
16	resent the McClellan-Kerr Arkansas River navi-
17	gation system project purposes.
18	(4) AGENCY RESOURCES.—The Little Rock dis-
19	trict and the Tulsa district of the Corps of Engi-
20	neers, under the supervision of the southwestern di-
21	vision, shall jointly provide the advisory committee
22	with adequate staff assistance, facilities, and re-
23	sources.
24	(5) Termination.—

1	(A) In general.—Subject to subpara-
2	graph (B), the advisory committee shall termi-
3	nate on the date on which the Secretary sub-
4	mits a report to Congress demonstrating in-
5	creases in the efficiency, reliability, and avail-
6	ability of the McClellan-Kerr Arkansas River
7	navigation system.
8	(B) Restriction.—The advisory com-
9	mittee shall terminate not less than 2 calendar
10	years after the date on which the advisory com-
11	mittee is established.
12	SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND
13	MANAGEMENT; COLUMBIA RIVER BASIN.
13 14	MANAGEMENT; COLUMBIA RIVER BASIN. (a) IN GENERAL.—The Secretary may establish a
14	(a) In General.—The Secretary may establish a
14 15	(a) In General.—The Secretary may establish a program to prevent and manage aquatic invasive species
141516	(a) In General.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Mon-
14151617	(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.
14 15 16 17 18	 (a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington. (b) WATERCRAFT INSPECTION STATIONS.—
14 15 16 17 18 19	 (a) In General.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington. (b) Watercraft Inspection Stations.— (1) In General.—In carrying out this section,
14 15 16 17 18 19 20	 (a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington. (b) WATERCRAFT INSPECTION STATIONS.— (1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection
14 15 16 17 18 19 20 21	 (a) In General.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington. (b) Watercraft Inspection Stations.— (1) In General.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located

1	of aquatic invasive species into reservoirs operated
2	and maintained by the Secretary.
3	(2) Inclusions.—Locations identified under
4	paragraph (1) may include—
5	(A) State border crossings;
6	(B) international border crossings; and
7	(C) highway entry points that are used by
8	owners of watercraft to access boat launch fa-
9	cilities owned or managed by the Secretary.
10	(3) Cost-share.—The non-Federal share of
11	the cost of operating and maintaining watercraft in-
12	spection stations described in paragraph (1) (includ-
13	ing personnel costs) shall be 50 percent.
14	(4) Other inspection sites.—The Secretary
15	may establish watercraft inspection stations using
16	amounts made available to carry out this section in
17	States other than those described in paragraph (1)
18	at or near boat launch facilities that the Secretary
19	determines are regularly used by watercraft to enter
20	the States described in paragraph (1).
21	(c) Monitoring and Contingency Planning.—
22	The Secretary shall—
23	(1) carry out risk assessments of each major
24	public and private water resources facility in the Co-
25	lumbia River Basin;

1	(2) establish an aquatic invasive species moni-
2	toring program in the Columbia River Basin;
3	(3) establish a Columbia River Basin water-
4	shed-wide plan for expedited response to an infesta-
5	tion of aquatic invasive species; and
6	(4) monitor water quality, including sediment
7	cores and fish tissue samples, at facilities owned or
8	managed by the Secretary in the Columbia River
9	Basin.
10	(d) Coordination.—In carrying out this section, the
11	Secretary shall consult and coordinate with—
12	(1) the States described in subsection (a);
13	(2) Indian tribes; and
14	(3) other Federal agencies, including—
15	(A) the Department of Agriculture;
16	(B) the Department of Energy;
17	(C) the Department of Homeland Security;
18	(D) the Department of Commerce; and
19	(E) the Department of the Interior.
20	(e) Authorization of Appropriations.—There is
21	authorized to be appropriated to the Secretary to carry
22	out this section \$30,000,000, of which \$5,000,000 may
23	be used to carry out subsection (c).

1	SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT
2	MONITORING.
3	(a) In General.—The Secretary, in coordination
4	with the Administrator of the National Oceanic and At-
5	mospheric Administration, the Chief of the Natural Re-
6	sources Conservation Service, the Director of the United
7	States Geological Survey, and the Commissioner of the
8	Bureau of Reclamation, shall establish a program to pro-
9	vide for—
10	(1) soil moisture and snowpack monitoring in
11	the Upper Missouri River Basin to reduce flood risk
12	and improve river and water resource management
13	in the Upper Missouri River Basin, as outlined in
14	the February 2013 report entitled "Upper Missour
15	Basin Monitoring Committee—Snow Sampling and
16	Instrumentation Recommendations";
17	(2) restoring and maintaining existing mid- and
18	high-elevation snowpack monitoring sites operated
19	under the SNOTEL program of the Natural Re-
20	sources Conservation Service; and
21	(3) operating streamflow gages and related in-
22	terpretive studies in the Upper Missouri River Basin
23	under the cooperative water program and the na-
24	tional streamflow information program of the United
25	States Geological Service.

1	(b) AUTHORIZATION OF APPROPRIATIONS.—There is
2	authorized to be appropriated to the Secretary to carry
3	out this section \$11,250,000.
4	(c) Use of Funds.—Amounts made available to the
5	Secretary under this section shall be used to complement
6	other related activities of Federal agencies that are carried
7	out within the Missouri River Basin.
8	(d) Report.—Not later than 1 year after the date
9	of enactment of this Act, the Comptroller General of the
10	United States, in consultation with the Secretary, shall
11	submit to the Committee on Environment and Public
12	Works of the Senate and the Committee on Transpor-
13	tation and Infrastructure of the House of Representatives
14	a report that—
15	(1) identifies progress made by the Secretary
16	and other Federal agencies to implement the rec-
17	ommendations contained in the report described in
18	subsection (a)(1) with respect to enhancing soil
19	moisture and snowpack monitoring in the Upper
20	Missouri Basin; and
21	(2) includes recommendations to enhance soil
22	moisture and snowpack monitoring in the Upper
23	Missouri Basin.

1	SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME
2	WEATHER MITIGATION.
3	(a) In General.—Subject to subsection (b), the Sec-
4	retary shall establish a program to mitigate the impacts
5	of extreme weather events, such as floods and droughts,
6	on communities, water users, and fish and wildlife located
7	in and along the headwaters of the Columbia, Missouri,
8	and Yellowstone Rivers (including the tributaries of those
9	rivers) in the States of Idaho and Montana by carrying
10	out river, stream, and floodplain protection and restora-
11	tion projects, including—
12	(1) floodplain restoration and reconnection;
13	(2) floodplain and riparian area protection
14	through the use of conservation easements;
15	(3) instream flow restoration projects;
16	(4) fish passage improvements;
17	(5) channel migration zone mapping; and
18	(6) invasive weed management.
19	(b) Restriction.—All projects carried out using
20	amounts made available to carry out this section shall em-
21	phasize the protection and enhancement of natural
22	riverine processes.
23	(c) Non-Federal Cost Share.—The non-Federal
24	share of the costs of carrying out a project under this sec-
25	tion shall not exceed 35 percent of the total cost of the
26	project.

1	(d) Coordination.—In carrying out this section, the
2	Secretary—
3	(1) shall consult and coordinate with the appro-
4	priate State natural resource agency in each State;
5	and
6	(2) may—
7	(A) delegate any authority or responsibility
8	of the Secretary under this section to those
9	State natural resource agencies; and
10	(B) provide amounts made available to the
11	Secretary to carry out this section to those
12	State natural resource agencies.
13	(e) Limitations.—Nothing in this section invali-
14	dates, preempts, or creates any exception to State water
15	law, State water rights, or Federal or State permitted ac-
16	tivities or agreements in the States of Idaho and Montana
17	or any State containing tributaries to rivers in those
18	States.
19	(f) Authorization of Appropriations.—There is
20	authorized to be appropriated to the Secretary to carry
21	out this section \$30,000,000.
22	TITLE VI—LEVEE SAFETY
23	SEC. 6001. SHORT TITLE.
24	This title may be cited as the "National Levee Safety
25	Program Act".

1 SEC. 6002. FINDINGS; PURPOSES.

2	(a) FINDINGS.—Congress finds that—
3	(1) there is a need to establish a national levee
4	safety program to provide national leadership and
5	encourage the establishment of State and tribal levee
6	safety programs;
7	(2) according to the National Committee on
8	Levee Safety, "the level of protection and robustness
9	of design and construction of levees vary consider-
10	ably across the country";
11	(3) knowing the location, condition, and owner-
12	ship of levees, as well as understanding the popu-
13	lation and infrastructure at risk in leveed areas, is
14	necessary for identification and prioritization of ac-
15	tivities associated with levees;
16	(4) levees are an important tool for reducing
17	flood risk and should be considered in the context of
18	broader flood risk management efforts;
19	(5) States and Indian tribes—
20	(A) are uniquely positioned to oversee, co-
21	ordinate, and regulate local and regional levee
22	systems; and
23	(B) should be encouraged to participate in
24	a national levee safety program by establishing
25	individual levee safety programs; and

1	(6) States, Indian tribes, and local governments
2	that do not invest in protecting the individuals and
3	property located behind levees place those individuals
4	and property at risk.
5	(b) Purposes.—The purposes of this title are—
6	(1) to promote sound technical practices in
7	levee design, construction, operation, inspection, as-
8	sessment, security, and maintenance;
9	(2) to ensure effective public education and
10	awareness of risks involving levees;
11	(3) to establish and maintain a national levee
12	safety program that emphasizes the protection of
13	human life and property; and
14	(4) to implement solutions and incentives that
15	encourage the establishment of effective State and
16	tribal levee safety programs.
17	SEC. 6003. DEFINITIONS.
18	In this title:
19	(1) Board.—The term "Board" means the Na-
20	tional Levee Safety Advisory Board established
21	under section 6005.
22	(2) Canal Structure.—
23	(A) IN GENERAL.—The term "canal struc-
24	ture" means an embankment, wall, or structure
25	along a canal or manmade watercourse that

1	(i) constrains water flows;
2	(ii) is subject to frequent water load-
3	ing; and
4	(iii) is an integral part of a flood risk
5	reduction system that protects the leveed
6	area from flood waters associated with
7	hurricanes, precipitation events, seasonal
8	high water, and other weather-related
9	events.
10	(B) Exclusion.—The term "canal struc-
11	ture" does not include a barrier across a water-
12	course.
13	(3) FEDERAL AGENCY.—The term "Federal
14	agency" means a Federal agency that designs, fi-
15	nances, constructs, owns, operates, maintains, or
16	regulates the construction, operation, or mainte-
17	nance of a levee.
18	(4) FLOOD DAMAGE REDUCTION SYSTEM.—The
19	term "flood damage reduction system" means a sys-
20	tem designed and constructed to have appreciable
21	and dependable effects in reducing damage by flood-
22	waters.
23	(5) FLOOD MITIGATION.—The term "flood miti-
24	gation" means any structural or nonstructural meas-
25	ure that reduces risks of flood damage by reducing

1	the probability of flooding, the consequences of
2	flooding, or both.
3	(6) FLOODPLAIN MANAGEMENT.—The term
4	"floodplain management" means the operation of a
5	community program of corrective and preventative
6	measures for reducing flood damage.
7	(7) Indian tribe.—The term "Indian tribe"
8	has the meaning given the term in section 4 of the
9	Indian Self-Determination and Education Assistance
10	Act (25 U.S.C. 450b).
11	(8) Levee.—
12	(A) IN GENERAL.—The term "levee"
13	means a manmade barrier (such as an embank-
14	ment, floodwall, or other structure)—
15	(i) the primary purpose of which is to
16	provide hurricane, storm, or flood protec-
17	tion relating to seasonal high water, storm
18	surges, precipitation, or other weather
19	events; and
20	(ii) that is normally subject to water
21	loading for only a few days or weeks dur-
22	ing a calendar year.
23	(B) Inclusions.—The term "levee" in-
24	cludes a levee system, including—
25	(i) levees and canal structures that—

1	(I) constrain water flows;
2	(II) are subject to more frequent
3	water loading; and
4	(III) do not constitute a barrier
5	across a watercourse; and
6	(ii) roadway and railroad embank-
7	ments, but only to the extent that the em-
8	bankments are integral to the performance
9	of a flood damage reduction system.
10	(C) Exclusions.—The term "levee" does
11	not include—
12	(i) a roadway or railroad embankment
13	that is not integral to the performance of
14	a flood damage reduction system;
15	(ii) a canal constructed completely
16	within natural ground without any man-
17	made structure (such as an embankment
18	or retaining wall to retain water or a case
19	in which water is retained only by natural
20	ground);
21	(iii) a canal regulated by a Federal or
22	State agency in a manner that ensures
23	that applicable Federal safety criteria are
24	met;
25	(iv) a levee or canal structure—

1	(I) that is not a part of a Fed-
2	eral flood damage reduction system;
3	(II) that is not recognized under
4	the National Flood Insurance Pro-
5	gram as providing protection from the
6	1-percent-annual-chance or greater
7	flood;
8	(III) that is not greater than 3
9	feet high;
10	(IV) the population in the leveed
11	area of which is less than 50 individ-
12	uals; and
13	(V) the leveed area of which is
14	less than 1,000 acres; or
15	(v) any shoreline protection or river
16	bank protection system (such as revet-
17	ments or barrier islands).
18	(9) Levee feature.—The term "levee fea-
19	ture" means a structure that is critical to the func-
20	tioning of a levee, including—
21	(A) an embankment section;
22	(B) a floodwall section;
23	(C) a closure structure;
24	(D) a pumping station;
25	(E) an interior drainage work: and

1	(F) a flood damage reduction channel.
2	(10) Levee safety guidelines.—The term
3	"levee safety guidelines" means the guidelines estab-
4	lished by the Secretary under section $6004(c)(1)$.
5	(11) Levee segment.—The term "levee seg-
6	ment" means a discrete portion of a levee system
7	that is owned, operated, and maintained by a single
8	entity or discrete set of entities.
9	(12) Levee system.—The term "levee sys-
10	tem" means 1 or more levee segments, including all
11	levee features that are interconnected and necessary
12	to ensure protection of the associated leveed areas—
13	(A) that collectively provide flood damage
14	reduction to a defined area; and
15	(B) the failure of 1 of which may result in
16	the failure of the entire system.
17	(13) Leveed area.—The term "leveed area"
18	means the land from which flood water in the adja-
19	cent watercourse is excluded by the levee system.
20	(14) National Levee Database.—The term
21	"national levee database" means the levee database
22	established under section 9004 of the Water Re-
23	sources Development Act of 2007 (33 U.S.C. 3303)
24	(15) Participating program.—The term
25	"participating program" means a levee safety pro-

1	gram developed by a State or Indian tribe that in-
2	cludes the minimum components necessary for rec-
3	ognition by the Secretary.
4	(16) Rehabilitation.—The term "rehabilita-
5	tion" means the repair, replacement, reconstruction,
6	or removal of a levee that is carried out to meet na-
7	tional levee safety guidelines.
8	(17) Risk.—The term "risk" means a measure
9	of the probability and severity of undesirable con-
10	sequences.
11	(18) Secretary.—The term "Secretary"
12	means the Secretary of the Army, acting through
13	the Chief of Engineers.
14	(19) State.—The term "State" means—
15	(A) each of the several States of the
16	United States;
17	(B) the District of Columbia;
18	(C) the Commonwealth of Puerto Rico;
19	(D) Guam;
20	(E) American Samoa;
21	(F) the Commonwealth of the Northern
22	Mariana Islands;
23	(G) the Federated States of Micronesia;
24	(H) the Republic of the Marshall Islands;
25	(I) the Republic of Palau; and

1	(J) the United States Virgin Islands.
2	SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.
3	(a) Establishment.—The Secretary, in consulta-
4	tion with the Administrator of the Federal Emergency
5	Management Agency, shall establish a national levee safe-
6	ty program to provide national leadership and consistent
7	approaches to levee safety, including—
8	(1) a national levee database;
9	(2) an inventory and inspection of Federal and
10	non-Federal levees;
11	(3) national levee safety guidelines;
12	(4) a hazard potential classification system for
13	Federal and non-Federal levees;
14	(5) research and development;
15	(6) a national public education and awareness
16	program, with an emphasis on communication re-
17	garding the residual risk to communities protected
18	by levees and levee systems;
19	(7) coordination of levee safety, floodplain man-
20	agement, and environmental protection activities;
21	(8) development of State and tribal levee safety
22	programs; and
23	(9) the provision of technical assistance and
24	materials to States and Indian tribes relating to—
25	(A) developing levee safety programs;

1	(B) identifying and reducing flood risks as-
2	sociated with residual risk to communities pro-
3	tected by levees and levee systems;
4	(C) identifying local actions that may be
5	carried out to reduce flood risks in leveed areas;
6	and
7	(D) rehabilitating, improving, replacing,
8	reconfiguring, modifying, and removing levees
9	and levee systems.
10	(b) Management.—
11	(1) In General.—The Secretary shall ap-
12	point—
13	(A) an administrator of the national levee
14	safety program; and
15	(B) such staff as is necessary to implement
16	the program.
17	(2) Administrator.—The sole duty of the ad-
18	ministrator appointed under paragraph (1)(A) shall
19	be the management of the national levee safety pro-
20	gram.
21	(c) Levee Safety Guidelines.—
22	(1) Establishment.—Not later than 1 year
23	after the date of enactment of this Act, the Sec-
24	retary, in coordination with State and local govern-
25	ments and organizations with expertise in levee safe-

1	ty, shall establish a set of voluntary, comprehensive
2	national levee safety guidelines that—
3	(A) are available for common, uniform use
4	by all Federal, State, tribal, and local agencies
5	(B) incorporate policies, procedures, stand-
6	ards, and criteria for a range of levee types
7	canal structures, and related facilities and fea-
8	tures; and
9	(C) provide for adaptation to local, re-
10	gional, or watershed conditions.
11	(2) Requirement.—The policies, procedures
12	standards, and criteria under paragraph (1)(B) shall
13	be developed taking into consideration the levee haz-
14	ard potential classification system established under
15	subsection (d).
16	(3) Adoption by Federal Agencies.—All
17	Federal agencies shall consider the levee safety
18	guidelines in activities relating to the management
19	of levees.
20	(4) Public comment.—Prior to finalizing the
21	guidelines under this subsection, the Secretary
22	shall—
23	(A) issue draft guidelines for public com-
24	ment; and

1	(B) consider any comments received in the
2	development of final guidelines.
3	(d) Hazard Potential Classification System.—
4	(1) Establishment.—The Secretary shall es-
5	tablish a hazard potential classification system for
6	use under the national levee safety program and
7	participating programs.
8	(2) Revision.—The Secretary shall review and,
9	as necessary, revise the hazard potential classifica-
10	tion system not less frequently than once every 5
11	years.
12	(3) Consistency.—The hazard potential clas-
13	sification system established pursuant to this sub-
14	section shall be consistent with and incorporated
15	into the levee safety action classification tool devel-
16	oped by the Corps of Engineers.
17	(e) Technical Assistance and Materials.—
18	(1) Establishment.—The Secretary, in co-
19	ordination with the Board, shall establish a national
20	levee safety technical assistance and training pro-
21	gram to develop and deliver technical support and
22	technical assistance materials, curricula, and train-
23	ing in order to promote levee safety and assist
24	States, communities, and levee owners in—
25	(A) developing levee safety programs;

1	(B) identifying and reducing flood risks as-
2	sociated with levees;
3	(C) identifying local actions that may be
4	carried out to reduce flood risks in leveed areas;
5	and
6	(D) rehabilitating, improving, replacing,
7	reconfiguring, modifying, and removing levees
8	and levee systems.
9	(2) Use of services.—In establishing the na-
10	tional levee safety training program under para-
11	graph (1), the Secretary may use the services of—
12	(A) the Corps of Engineers;
13	(B) the Federal Emergency Management
14	Agency;
15	(C) the Bureau of Reclamation; and
16	(D) other appropriate Federal agencies, as
17	determined by the Secretary.
18	(f) Comprehensive National Public Education
19	AND AWARENESS CAMPAIGN.—
20	(1) Establishment.—The Secretary, in co-
21	ordination with the Administrator of the Federal
22	Emergency Management Agency and the Board,
23	shall establish a national public education and
24	awareness campaign relating to the national levee
25	safety program.

1	(2) Purposes.—The purposes of the campaign
2	under paragraph (1) are—
3	(A) to educate individuals living in leveed
4	areas regarding the risks of living in those
5	areas;
6	(B) to promote consistency in the trans-
7	mission of information regarding levees among
8	government agencies; and
9	(C) to provide national leadership regard-
10	ing risk communication for implementation at
11	the State and local levels.
12	(g) Coordination of Levee Safety, Floodplain
13	Management, and Environmental Concerns.—The
14	Secretary, in coordination with the Board, shall evaluate
15	opportunities to coordinate—
16	(1) public safety, floodplain management, and
17	environmental protection activities relating to levees;
18	and
19	(2) environmental permitting processes for op-
20	eration and maintenance activities at existing levee
21	projects in compliance with all applicable laws.
22	(h) Levee Inspection.—
23	(1) In general.—The Secretary shall carry
24	out a one-time inventory and inspection of all levees
25	identified in the national levee database

- 1 (2) No FEDERAL INTEREST.—The inventory 2 and inspection under paragraph (1) does not create 3 a Federal interest in the construction, operation, or 4 maintenance any levee that is included in the inven-5 tory or inspected under this subsection.
 - (3) Inspection criteria.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.
 - (4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—
 - (A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and
 - (B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.
 - (5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3)

1	during the 1-year period immediately preceding the
2	date of enactment of this Act if the Governor of the
3	State or tribal government, as applicable, requests
4	an exemption from the inspection.
5	(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—
6	(1) Guidelines.—
7	(A) IN GENERAL.—Not later than 1 year
8	after the date of enactment of this Act, in co-
9	ordination with the Board, the Secretary shall
10	issue guidelines that establish the minimum
11	components necessary for recognition of a State
12	or tribal levee safety program as a participating
13	program.
14	(B) Guideline contents.—The guide-
15	lines under subparagraph (A) shall include pro-
16	visions and procedures requiring each partici-
17	pating State and Indian tribe to certify to the
18	Secretary that the State or Indian tribe, as ap-
19	plicable—
20	(i) has the authority to participate in
21	the national levee safety program;
22	(ii) can receive funds under this title;
23	(iii) has adopted any national levee
24	safety guidelines developed under this title;
25	(iv) will carry out levee inspections;

1	(v) will carry out, consistent with ap-
2	plicable requirements, flood risk manage-
3	ment and any emergency action planning
4	procedures the Secretary determines to be
5	necessary relating to levees;
6	(vi) will carry out public education
7	and awareness activities consistent with
8	the national public education and aware-
9	ness campaign established under sub-
10	section (f); and
11	(vii) will collect and share information
12	regarding the location and condition of lev-
13	ees.
14	(C) Public comment.—Prior to finalizing
15	the guidelines under this paragraph, the Sec-
16	retary shall—
17	(i) issue draft guidelines for public
18	comment; and
19	(ii) consider any comments received in
20	the development of final guidelines.
21	(2) Grant Program.—
22	(A) ESTABLISHMENT.—The Secretary
23	shall establish a program under which the Sec-
24	retary shall provide grants to assist States and
25	Indian tribes in establishing participating pro-

1	grams, conducting levee inventories, and car-
2	rying out this title.
3	(B) REQUIREMENTS.—To be eligible to re-
4	ceive grants under this section, a State or In-
5	dian tribe shall—
6	(i) meet the requirements of a partici-
7	pating program established by the guide-
8	lines issued under paragraph (1);
9	(ii) use not less than 25 percent of
10	any amounts received to identify and as-
11	sess non-Federal levees within the State or
12	on land of the Indian tribe;
13	(iii) submit to the Secretary any infor-
14	mation collected by the State or Indian
15	tribe in carrying out this subsection for in-
16	clusion in the national levee safety data-
17	base; and
18	(iv) identify actions to address hazard
19	mitigation activities associated with levees
20	and leveed areas identified in the hazard
21	mitigation plan of the State approved by
22	the Administrator of the Federal Emer-
23	gency Management Agency under the Rob-
24	ert T. Stafford Disaster Relief and Emer-

1	gency Assistance Act (42 U.S.C. 5121 et
2	seq.).
3	(j) Levee Rehabilitation Assistance Pro-
4	GRAM.—
5	(1) Establishment.—The Secretary shall es-
6	tablish a program under which the Secretary shall
7	provide assistance to States, Indian tribes, and local
8	governments in addressing flood mitigation activities
9	that result in an overall reduction in flood risk.
10	(2) REQUIREMENTS.—To be eligible to receive
11	assistance under this subsection, a State, Indian
12	tribe, or local government shall—
13	(A) participate in, and comply with, all ap-
14	plicable Federal floodplain management and
15	flood insurance programs;
16	(B) have in place a hazard mitigation plan
17	that—
18	(i) includes all levee risks; and
19	(ii) complies with the Disaster Mitiga-
20	tion Act of 2000 (Public Law 106–390;
21	114 Stat. 1552);
22	(C) submit to the Secretary an application
23	at such time, in such manner, and containing
24	such information as the Secretary may require;
25	and

1	(D) comply with such minimum eligibility
2	requirements as the Secretary, in consultation
3	with the Board, may establish to ensure that
4	each owner and operator of a levee under a par-
5	ticipating State or tribal levee safety program—
6	(i) acts in accordance with the guide-
7	lines developed in subsection (c); and
8	(ii) carries out activities relating to
9	the public in the leveed area in accordance
10	with the hazard mitigation plan described
11	in subparagraph (B).
12	(3) Floodplain management plans.—
13	(A) In general.—Not later than 1 year
14	after the date of execution of a project agree-
15	ment for assistance under this subsection, a
16	State, Indian tribe, or local government shall
17	prepare a floodplain management plan in ac-
18	cordance with the guidelines under subpara-
19	graph (D) to reduce the impacts of future flood
20	events in each applicable leveed area.
21	(B) Inclusions.—A plan under subpara-
22	graph (A) shall address potential measures,
23	practices, and policies to reduce loss of life, in-
24	juries, damage to property and facilities, public

1	expenditures, and other adverse impacts of
2	flooding in each applicable leveed area.
3	(C) Implementation.—Not later than 1
4	year after the date of completion of construc-
5	tion of the applicable project, a floodplain man-
6	agement plan prepared under subparagraph (A)
7	shall be implemented.
8	(D) Guidelines.—Not later than 180
9	days after the date of enactment of this Act,
10	the Secretary shall develop such guidelines for
11	the preparation of floodplain management plans
12	prepared under this paragraph as the Secretary
13	determines to be appropriate.
14	(E) TECHNICAL SUPPORT.—The Secretary
15	may provide technical support for the develop-
16	ment and implementation of floodplain manage-
17	ment plans prepared under this paragraph.
18	(4) Use of funds.—
19	(A) IN GENERAL.—Assistance provided
20	under this subsection may be used—
21	(i) for any rehabilitation activity to
22	maximize overall risk reduction associated
23	with a levee under a participating State or
24	tribal levee safety program; and

1	(ii) only for a levee that is not feder-
2	ally operated and maintained.
3	(B) Prohibition.—Assistance provided
4	under this subsection shall not be used—
5	(i) to perform routine operation or
6	maintenance for a levee; or
7	(ii) to make any modification to a
8	levee that does not result in an improve-
9	ment to public safety.
10	(5) No proprietary interest.—A contract
11	for assistance provided under this subsection shall
12	not be considered to confer any proprietary interest
13	on the United States.
14	(6) Cost-share.—The maximum Federal
15	share of the cost of any assistance provided under
16	this subsection shall be 65 percent.
17	(7) Project limit.—The maximum amount of
18	Federal assistance for a project under this sub-
19	section shall be \$10,000,000.
20	(8) Other laws.—Assistance provided under
21	this subsection shall be subject to all applicable laws
22	(including regulations) that apply to the construc-
23	tion of a civil works project of the Corps of Engi-
24	neers.

1	(k) Effect of Section.—Nothing in this section
2	confers any regulatory authority on—
3	(1) the Secretary; or
4	(2) the Director of the Federal Emergency
5	Management Agency.
6	SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.
7	(a) Establishment.—The Secretary, in coordina-
8	tion with the Administrator of the Federal Emergency
9	Management Agency, shall establish a board, to be known
10	as the "National Levee Safety Advisory Board"—
11	(1) to advise the Secretary and Congress re-
12	garding consistent approaches to levee safety;
13	(2) to monitor the safety of levees in the United
14	States;
15	(3) to assess the effectiveness of the national
16	levee safety program; and
17	(4) to ensure that the national levee safety pro-
18	gram is carried out in a manner that is consistent
19	with other Federal flood risk management efforts.
20	(b) Membership.—
21	(1) Voting members.—The Board shall be
22	composed of the following 14 voting members, each
23	of whom shall be appointed by the Secretary, with
24	priority consideration given to representatives from

1	those States that have the most Corps of Engineers
2	levees in the State, based on mileage:
3	(A) 8 representatives of State levee safety
4	programs, 1 from each of the civil works divi-
5	sions of the Corps of Engineers.
6	(B) 2 representatives of the private sector
7	who have expertise in level safety.
8	(C) 2 representatives of local and regional
9	governmental agencies who have expertise in
10	levee safety.
11	(D) 2 representatives of Indian tribes who
12	have expertise in level safety.
13	(2) Nonvoting members.—The Secretary (or
14	a designee of the Secretary), the Administrator of
15	the Federal Emergency Management Agency (or a
16	designee of the Administrator), and the adminis-
17	trator of the national levee safety program appointed
18	under section 6004(b)(1)(A) shall serve as nonvoting
19	members of the Board.
20	(3) Chairperson.—The voting members of the
21	Board shall appoint a chairperson from among the
22	voting members of the Board, to serve a term of not
23	more than 2 years.
24	(c) Qualifications.—

1	(1) Individuals.—Each voting member of the
2	Board shall be knowledgeable in the field of levee
3	safety, including water resources and flood risk man-
4	agement.
5	(2) As a whole.—The membership of the
6	Board, considered as a whole, shall represent the di-
7	versity of skills required to advise the Secretary re-
8	garding levee issues relating to—
9	(A) engineering;
10	(B) public communications;
11	(C) program development and oversight;
12	(D) with respect to levees, flood risk man-
13	agement and hazard mitigation; and
14	(E) public safety and the environment.
15	(d) Terms of Service.—
16	(1) IN GENERAL.—A voting member of the
17	Board shall be appointed for a term of 3 years, ex-
18	cept that, of the members first appointed—
19	(A) 5 shall be appointed for a term of 1
20	year;
21	(B) 5 shall be appointed for a term of 2
22	years; and
23	(C) 4 shall be appointed for a term of 3
24	vears

1	(2) Reappointment.—A voting member of the
2	Board may be reappointed to the Board, as the Sec-
3	retary determines to be appropriate.
4	(3) Vacancies.—A vacancy on the Board shall
5	be filled in the same manner as the original appoint-
6	ment was made.
7	(e) Standing Committees.—
8	(1) In general.—The Board shall be sup-
9	ported by Standing Committees, which shall be com-
10	prised of volunteers from all levels of government
11	and the private sector, to advise the Board regard-
12	ing the national levee safety program.
13	(2) Establishment.—The Standing Commit-
14	tees of the Board shall include—
15	(A) the Standing Committee on Partici-
16	pating Programs, which shall advise the Board
17	regarding—
18	(i) the development and implementa-
19	tion of State and tribal levee safety pro-
20	grams; and
21	(ii) appropriate incentives (including
22	financial assistance) to be provided to
23	States, Indian tribes, and local and re-
24	gional entities;

1	(B) the Standing Committee on Technical
2	Issues, which shall advise the Board regard-
3	ing—
4	(i) the management of the national
5	levee database;
6	(ii) the development and maintenance
7	of levee safety guidelines;
8	(iii) processes and materials for devel-
9	oping levee-related technical assistance and
10	training; and
11	(iv) research and development activi-
12	ties relating to levee safety;
13	(C) the Standing Committee on Public
14	Education and Awareness, which shall advise
15	the Board regarding the development, imple-
16	mentation, and evaluation of targeted public
17	outreach programs—
18	(i) to gather public input;
19	(ii) to educate and raise awareness in
20	leveed areas of levee risks;
21	(iii) to communicate information re-
22	garding participating programs; and
23	(iv) to track the effectiveness of public
24	education efforts relating to levee risks;

1	(D) the Standing Committee on Safety and
2	Environment, which shall advise the Board re-
3	garding—
4	(i) operation and maintenance activi-
5	ties for existing levee projects;
6	(ii) opportunities to coordinate public
7	safety, floodplain management, and envi-
8	ronmental protection activities relating to
9	levees;
10	(iii) opportunities to coordinate envi-
11	ronmental permitting processes for oper-
12	ation and maintenance activities at existing
13	levee projects in compliance with all appli-
14	cable laws; and
15	(iv) opportunities for collaboration by
16	environmental protection and public safety
17	interests in leveed areas and adjacent
18	areas; and
19	(E) such other standing committees as the
20	Secretary, in consultation with the Board, de-
21	termines to be necessary.
22	(3) Membership.—
23	(A) IN GENERAL.—The Board shall rec-
24	ommend to the Secretary for approval individ-

1	uals for membership on the Standing Commit-
2	tees.
3	(B) Qualifications.—
4	(i) Individuals.—Each member of a
5	Standing Committee shall be knowledge-
6	able in the issue areas for which the Com-
7	mittee is charged with advising the Board.
8	(ii) As a whole.—The membership
9	of each Standing Committee, considered as
10	a whole, shall represent, to the maximum
11	extent practicable, broad geographical di-
12	versity.
13	(C) Limitation.—Each Standing Com-
14	mittee shall be comprised of not more than 10
15	members.
16	(f) DUTIES AND POWERS.—The Board—
17	(1) shall submit to the Secretary and Congress
18	an annual report regarding the effectiveness of the
19	national levee safety program in accordance with
20	section 6007; and
21	(2) may secure from other Federal agencies
22	such services, and enter into such contracts, as the
23	Board determines to be necessary to carry out this
24	subsection.

- 1 (g) Task Force Coordination.—The Board shall,
- 2 to the maximum extent practicable, coordinate the activi-
- 3 ties of the Board with the Federal Interagency Floodplain
- 4 Management Task Force.

5 (h) Compensation.—

- (1) Federal employees.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.
 - (2) Non-federal employees.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of

1	the member in performance of services for the
2	Board.
3	(3) STANDING COMMITTEE MEMBERS.—Each
4	member of a Standing Committee shall—
5	(A) serve in a voluntary capacity; but
6	(B) receive a per diem allowance for travel
7	expenses, at rates authorized for an employee of
8	an agency under subchapter I of chapter 57 of
9	title 5, United States Code, while away from
10	the home or regular place of business of the
11	member in performance of services for the
12	Board.
13	(i) Nonapplicability of FACA.—The Federal Ad-
14	visory Committee Act (5 U.S.C. App.) shall not apply to
15	the Board or the Standing Committees.
16	SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.
17	Section 9004(a)(2)(A) of the Water Resources Devel-
18	opment Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amend-
19	ed by striking "and, for non-Federal levees, such informa-
20	tion on levee location as is provided to the Secretary by
21	State and local governmental agencies" and inserting
22	"and updated levee information provided by States, Indian
23	tribes, Federal agencies, and other entities".
24	SEC. 6007. REPORTS.
25	(a) State of Levees.—

1	(1) In general.—Not later than 1 year after
2	the date of enactment of this Act, and biennially
3	thereafter, the Secretary in coordination with the
4	Board, shall submit to Congress a report describing
5	the state of levees in the United States and the ef-
6	fectiveness of the national levee safety program, in-
7	cluding—
8	(A) progress achieved in implementing the
9	national levee safety program;
10	(B) State and tribal participation in the
11	national levee safety program;
12	(C) recommendations to improve coordina-
13	tion of levee safety, floodplain management, and
14	environmental protection concerns, including—
15	(i) identifying and evaluating opportu-
16	nities to coordinate public safety, flood-
17	plain management, and environmental pro-
18	tection activities relating to levees; and
19	(ii) evaluating opportunities to coordi-
20	nate environmental permitting processes
21	for operation and maintenance activities at
22	existing levee projects in compliance with
23	all applicable laws; and

1	(D) any recommendations for legislation
2	and other congressional actions necessary to en-
3	sure national levee safety.
4	(2) Inclusion.—Each report under paragraph
5	(1) shall include a report of the Board that describes
6	the independent recommendations of the Board for
7	the implementation of the national levee safety pro-
8	gram.
9	(b) National Dam and Levee Safety Pro-
10	GRAM.—Not later than 3 years after the date of enactment
11	of this Act, to the maximum extent practicable, the Sec-
12	retary, in coordination with the Board, shall submit to
13	Congress a report that includes recommendations regard-
14	ing the advisability and feasibility of, and potential ap-
15	proaches for, establishing a joint national dam and levee
16	safety program.
17	(c) Alignment of Federal Programs Relating
18	TO LEVEES.—Not later than 2 years after the date of en-
19	actment of this Act, the Comptroller General shall submit
20	to Congress a report on opportunities for alignment of
21	Federal programs to provide incentives to State, tribal,
22	and local governments and individuals and entities—
23	(1) to promote shared responsibility for levee
24	safety;

1	(2) to encourage the development of strong
2	State and tribal levee safety programs;
3	(3) to better align the national levee safety pro-
4	gram with other Federal flood risk management pro-
5	grams; and
6	(4) to promote increased levee safety through
7	other Federal programs providing assistance to
8	State and local governments.
9	(d) Liability for Certain Levee Engineering
10	PROJECTS.—Not later than 1 year after the date of enact-
11	ment of this Act, the Secretary shall submit to Congress
12	a report that includes recommendations that identify and
13	address any legal liability associated with levee engineer-
14	ing projects that prevent—
15	(1) levee owners from obtaining needed levee
16	engineering services; or
17	(2) development and implementation of a State
18	or tribal levee safety program.
19	SEC. 6008. EFFECT OF TITLE.
20	Nothing in this title—
21	(1) establishes any liability of the United States
22	or any officer or employee of the United States (in-
23	cluding the Board and the Standing Committees of
24	the Board) for any damages caused by any action or
25	failure to act; or

1	(2) relieves an owner or operator of a levee of
2	any legal duty, obligation, or liability incident to the
3	ownership or operation of the levee.
4	SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.
5	There are authorized to be appropriated to the Sec-
6	retary to carry out this title—
7	(1) for funding the administration and staff of
8	the national levee safety program, the Board, the
9	Standing Committees of the Board, and partici-
10	pating programs, \$5,000,000 for each of fiscal years
11	2014 through 2023;
12	(2) for technical programs, including the devel-
13	opment of levee safety guidelines, publications, train-
14	ing, and technical assistance—
15	(A) \$5,000,000 for each of fiscal years
16	2014 through 2018;
17	(B) \$7,500,000 for each of fiscal years
18	2019 and 2020; and
19	(C) \$10,000,000 for each of fiscal years
20	2021 through 2023;
21	(3) for public involvement and education pro-
22	grams, \$3,000,000 for each of fiscal years 2014
23	through 2023;
24	(4) to carry out the levee inventory and inspec-
25	tions under section 9004 of the Water Resources

1	Development Act of 2007 (33 U.S.C. 3303)
2	\$30,000,000 for each of fiscal years 2014 through
3	2018;
4	(5) for grants to State and tribal levee safety
5	programs, \$300,000,000 for fiscal years 2014
6	through 2023; and
7	(6) for levee rehabilitation assistance grants
8	\$300,000,000 for fiscal years 2014 through 2023.
9	TITLE VII—INLAND WATERWAYS
10	SEC. 7001. PURPOSES.
11	The purposes of this title are—
12	(1) to improve program and project manage-
13	ment relating to the construction and major rehabili-
14	tation of navigation projects on inland waterways;
15	(2) to optimize inland waterways navigation
16	system reliability;
17	(3) to minimize the size and scope of inland wa-
18	terways navigation project completion schedules;
19	(4) to eliminate preventable delays in inland
20	waterways navigation project completion schedules
21	and
22	(5) to make inland waterways navigation capital
23	investments through the use of prioritization criteria
24	that seek to maximize systemwide benefits and mini-
25	mize overall system risk

227 1 SEC. 7002. DEFINITIONS. 2 In this title: 3 (1) Inland waterways trust fund.—The 4 term "Inland Waterways Trust Fund" means the 5 Inland Waterways Trust Fund established by section 6 9506(a) of the Internal Revenue Code of 1986. 7 (2) QUALIFYING PROJECT.—The term "quali-8 fying project" means any construction or major re-9 habilitation project for navigation infrastructure of 10 the inland and intracoastal waterways that is— 11 (A) authorized before, on, or after the date 12 of enactment of this Act; 13 (B) not completed on the date of enact-14 ment of this Act; and 15 (C) funded at least in part from the Inland 16 Waterways Trust Fund. 17 (3) Secretary.—The term "Secretary" means 18 the Secretary of the Army, acting through the Chief 19 of Engineers. 20 SEC. 7003. PROJECT DELIVERY PROCESS REFORMS. 21 (a) Requirements for Qualifying Projects.— 22 With respect to each qualifying project, the Secretary shall

(1) formal project management training and

certification for each project manager;

•S 601 IS

require—

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1	(2) assignment as project manager only of per-
2	sonnel fully certified by the Chief of Engineers; and
3	(3) for an applicable cost estimation, that—
4	(A) the estimation—
5	(i) is risk-based; and
6	(ii) has a confidence level of at least
7	80 percent; and
8	(B) a risk-based cost estimate shall be im-
9	plemented—
10	(i) for a qualified project that requires
11	an increase in the authorized amount in
12	accordance with section 902 of the Water
13	Resources Development Act of 1986 (Pub-
14	lic Law 99–662; 100 Stat. 4183), during
15	the preparation of a post-authorization
16	change report or other similar decision
17	document;
18	(ii) for a qualified project for which
19	the first construction contract has not been
20	awarded, prior to the award of the first
21	construction contract;
22	(iii) for a qualified project without a
23	completed Chief of Engineers report, prior
24	to the completion of such a report; and

1	(iv) for a qualified project with a com-
2	pleted Chief of Engineers report that has
3	not yet been authorized, during design for
4	the qualified project.
5	(b) Additional Project Delivery Process Re-
6	FORMS.—Not later than 18 months after the date of en-
7	actment of this Act, the Secretary shall—
8	(1) establish a system to identify and apply on
9	a continuing basis lessons learned from prior or on-
10	going qualifying projects to improve the likelihood of
11	on-time and on-budget completion of qualifying
12	projects;
13	(2) evaluate early contractor involvement acqui-
14	sition procedures to improve on-time and on-budget
15	project delivery performance; and
16	(3) implement any additional measures that the
17	Secretary determines will achieve the purposes of
18	this title and the amendments made by this title, in-
19	cluding, as the Secretary determines to be appro-
20	priate—
21	(A) the implementation of applicable prac-
22	tices and procedures developed pursuant to
23	management by the Secretary of an applicable
24	military construction program;

1	(B) the establishment of 1 or more centers
2	of expertise for the design and review of quali-
3	fying projects;
4	(C) the development and use of a portfolio
5	of standard designs for inland navigation locks;
6	(D) the use of full-funding contracts or
7	formulation of a revised continuing contracts
8	clause; and
9	(E) the establishment of procedures for
10	recommending new project construction starts
11	using a capital projects business model.
12	(e) Pilot Projects.—
13	(1) In general.—Subject to paragraph (2),
14	the Secretary may carry out 1 or more pilot projects
15	to evaluate processes or procedures for the study,
16	design, or construction of qualifying projects.
17	(2) Inclusions.—At a minimum, the Secretary
18	shall carry out pilot projects under this subsection to
19	evaluate—
20	(A) early contractor involvement in the de-
21	velopment of features and components;
22	(B) an appropriate use of continuing con-
23	tracts for the construction of features and com-
24	ponents; and

1	(C) applicable principles, procedures, and
2	processes used for military construction
3	projects.
4	(d) Inland Waterways User Board.—Section
5	302 of the Water Resources Development Act of $1986\ (33$
6	U.S.C. 2251) is amended—
7	(1) by striking subsection (b) and inserting the
8	following:
9	"(b) Duties of Users Board.—
10	"(1) IN GENERAL.—The Users Board shall
11	meet not less frequently than semiannually to de-
12	velop and make recommendations to the Secretary
13	and Congress regarding the inland waterways and
14	inland harbors of the United States.
15	"(2) Advice and recommendations.—For
16	commercial navigation features and components of
17	the inland waterways and inland harbors of the
18	United States, the Users Board shall provide—
19	"(A) prior to the development of the budg-
20	et proposal of the President for a given fiscal
21	year, advice and recommendations to the Sec-
22	retary regarding construction and rehabilitation
23	priorities and spending levels;
24	"(B) advice and recommendations to Con-
25	gress regarding any report of the Chief of Engi-

1	neers relating to those features and compo-
2	nents;
3	"(C) advice and recommendations to Con-
4	gress regarding an increase in the authorized
5	cost of those features and components;
6	"(D) not later than 60 days after the date
7	of the submission of the budget proposal of the
8	President to Congress, advice and recommenda-
9	tions to Congress regarding construction and
10	rehabilitation priorities and spending levels; and
11	"(E) a long-term capital investment pro-
12	gram in accordance with subsection (d).
13	"(3) Project Development Teams.—The
14	chairperson of the Users Board shall appoint a rep-
15	resentative of the Users Board to serve on the
16	project development team for a qualifying project or
17	the study or design of a commercial navigation fea-
18	ture or component of the inland waterways and in-
19	land harbors of the United States.
20	"(4) Independent judgment.—Any advice or
21	recommendation made by the Users Board to the
22	Secretary shall reflect the independent judgment of
23	the Users Board.";
24	(2) by redesignating subsection (c) as sub-
25	section (f); and

1	(3) by inserting after subsection (b) the fol-
2	lowing:
3	"(c) Duties of Secretary.—The Secretary shall—
4	"(1) communicate not less than once each quar-
5	ter to the Users Board the status of the study, de-
6	sign, or construction of all commercial navigation
7	features or components of the inland waterways or
8	inland harbors of the United States; and
9	"(2) submit to the Users Board a courtesy copy
10	of all reports of the Chief of Engineers relating to
11	a commercial navigation feature or component of the
12	inland waterways or inland harbors of the United
13	States.
14	"(d) Capital Investment Program.—
15	"(1) IN GENERAL.—Not later than 1 year after
16	the date of enactment of this subsection, the Sec-
17	retary, in coordination with the Users Board, shall
18	develop, and submit to Congress a report describing,
19	a 20-year program for making capital investments
20	on the inland and intracoastal waterways, based on
21	the application of objective, national project selection
22	prioritization criteria.
23	"(2) Consideration.—In developing the pro-
24	gram under paragraph (1), the Secretary shall take

into consideration the 20-year capital investment

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1	strategy contained in the Inland Marine Transpor-
2	tation System (IMTS) Capital Projects Business
3	Model, Final Report published on April 13, 2010, as
4	approved by the Users Board.
5	"(3) Criteria.—In developing the plan and
6	prioritization criteria under paragraph (1), the Sec-
7	retary shall ensure, to the maximum extent prac-
8	ticable, that investments made under the 20-year
9	program described in paragraph (1)—
10	"(A) are made in all geographical areas of
11	the inland waterways system; and
12	"(B) ensure efficient funding of inland wa-
13	terways projects.
14	"(4) Strategic review and update.—Not
15	later than 5 years after the date of enactment of
16	this subsection, and not less frequently than once
17	every 5 years thereafter, the Secretary, in conjunc-
18	tion with the Users Board, shall—
19	"(A) submit to Congress a strategic review
20	of the 20-year program in effect under this sub-
21	section, which shall identify and explain any
22	changes to the project-specific recommendations
23	contained in the previous 20-year program (in-
24	cluding any changes to the prioritization cri-

1	teria used to develop the updated recommenda-
2	tions); and
3	"(B) make such revisions to the program
4	as the Secretary and Users Board jointly con-
5	sider to be appropriate.
6	"(e) Project Management Plans.—The chair-
7	person of the Users Board and the project development
8	team member appointed by the chairperson under sub-
9	section (b)(3) shall sign the project management plan for
10	the qualifying project or the study or design of a commer-
11	cial navigation feature or component of the inland water-
12	ways and inland harbors of the United States.".
13	SEC. 7004. MAJOR REHABILITATION STANDARDS.
14	(a) In General.—The Secretary shall develop a
15	methodology for applying standard accounting principles
16	when classifying activities as major rehabilitation projects.
17	(b) EVALUATIONS.—The Secretary shall evaluate the
18	effect of applying the methodology developed under sub-
19	section (a) to not less than 3 qualifying projects.
20	(c) Report.—The Secretary shall submit to Con-
21	gress a report on the evaluation under subsection (b).
22	SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.
23	(a) FINDINGS.—Congress finds that—
24	(1) there are approximately 12,000 miles of
25	Federal waterways, known as the inland waterways

1	system, that are supported by user fees and man-
2	aged by the Corps of Engineers;
3	(2) the inland waterways system spans 38
4	States and handles approximately one-half of all in-
5	land waterway freight;
6	(3) according to the final report of the Inland
7	Marine Transportation System Capital Projects
8	Business Model, freight traffic on the Federal fuel-
9	taxed inland waterways system accounts for
10	546,000,000 tons of freight each year;
11	(4) expenditures for construction and major re-
12	habilitation projects on the inland waterways system
13	are equally cost-shared between the Federal Govern-
14	ment and the Inland Waterways Trust Fund;
15	(5) the Inland Waterways Trust Fund is fi-
16	nanced through a fee of \$0.20 per gallon on fuel
17	used by commercial barges;
18	(6) the balance of the Inland Waterways Trust
19	Fund has declined significantly in recent years;
20	(7) according to the final report of the Inland
21	Marine Transportation System Capital Projects
22	Business Model, the estimated financial need for

construction and major rehabilitation projects on the

inland waterways system for fiscal years 2011

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1	through 2030 is approximately \$18,000,000,000;
2	and
3	(8) users of the inland waterways system are
4	supportive of an increase in the existing revenue
5	sources for inland waterways system construction
6	and major rehabilitation activities to expedite the
7	most critical of those construction and major reha-
8	bilitation projects.
9	(b) Sense of Congress.—It is the sense of Con-
10	gress that—
11	(1) the existing revenue sources for inland wa-
12	terways system construction and rehabilitation ac-
13	tivities are insufficient to cover the costs of non-Fed-
14	eral interests of construction and major rehabilita-
15	tion projects on the inland waterways system; and
16	(2) the issue described in paragraph (1) should
17	be addressed.
18	SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.
19	Not later than 2 years after the date of enactment
20	of this Act, the Comptroller General shall prepare a report
21	on the efficiency of collecting the fuel tax for the Inland
22	Waterways Trust Fund, which shall include—
23	(1) an evaluation of whether current methods of
24	collection of the fuel tax result in full compliance
25	with requirements of the law;

1	(2) whether alternative methods of collection
2	would result in increased revenues into the Inland
3	Waterways Trust Fund; and
4	(3) an evaluation of alternative collection op-
5	tions.
6	TITLE VIII—HARBOR
7	MAINTENANCE
8	SEC. 8001. SHORT TITLE.
9	This title may be cited as the "Harbor Maintenance
10	Trust Fund Act of 2013".
11	SEC. 8002. PURPOSES.
12	The purposes of this title are—
13	(1) to ensure that revenues collected into the
14	Harbor Maintenance Trust Fund are used for the
15	intended purposes of those revenues;
16	(2) to increase investment in the operation and
17	maintenance of United States ports, which are crit-
18	ical for the economic competitiveness of the United
19	States;
20	(3) to promote equity among ports nationwide;
21	and
22	(4) to ensure United States ports are prepared
23	to meet modern shipping needs, including the capa-
24	bility to receive large ships that require deeper
25	drafts.

1	SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PRO-
2	GRAMS.
3	(a) Harbor Maintenance Trust Fund Guar-
4	ANTEE.—
5	(1) IN GENERAL.—The total budget resources
6	made available from the Harbor Maintenance Trust
7	Fund each fiscal year pursuant to section 9505(c) of
8	the Internal Revenue Code of 1986 (relating to ex-
9	penditures from the Harbor Maintenance Trust
10	Fund) shall be equal to the level of receipts plus in-
11	terest credited to the Harbor Maintenance Trust
12	Fund for that fiscal year. Such amounts may be
13	used only for harbor maintenance programs de-
14	scribed in section 9505(c) of such Code.
15	(2) Guarantee.—No funds may be appro-
16	priated for harbor maintenance programs described
17	in such section unless the amount described in para-
18	graph (1) has been provided.
19	(b) Definitions.—In this section, the following defi-
20	nitions apply:
21	(1) Total budget resources.—The term
22	"total budget resources" means the total amount
23	made available by appropriations Acts from the Har-
24	bor Maintenance Trust Fund for a fiscal year for
25	making expenditures under section 9505(c) of the
26	Internal Revenue Code of 1986.

1	(2) Level of receipts plus interest.—The
2	term "level of receipts plus interest" means the level
3	of taxes and interest credited to the Harbor Mainte-
4	nance Trust Fund under section 9505 of the Inter-
5	nal Revenue Code of 1986 for a fiscal year as set
6	forth in the President's budget baseline projection as
7	defined in section 257 of the Balanced Budget and
8	Emergency Deficit Control Act of 1985 (Public Law
9	99–177; 99 Stat. 1092) for that fiscal year sub-
10	mitted pursuant to section 1105 of title 31, United
11	States Code.
12	(c) Enforcement of Guarantees.—It shall not be
13	in order in the House of Representatives or the Senate
14	to consider any bill, joint resolution, amendment, motion,
15	or conference report that would cause total budget re-
16	sources in a fiscal year for harbor maintenance programs
17	described in subsection $(b)(1)$ for such fiscal year to be
18	less than the amount required by subsection (a)(1) for
19	such fiscal year.
20	SEC. 8004. HARBOR MAINTENANCE TRUST FUND
21	PRIORITIZATION.
22	(a) In General.—Section 210 of the Water Re-
23	sources Development Act of 1986 (33 U.S.C. 2238) is

- 24 amended by adding at the end the following:
- 25 "(c) Prioritization.—

1	"(1) In general.—Of the amounts made
2	available under this section to carry out projects de-
3	scribed in subsection (a)(2), the Secretary of the
4	Army, acting through the Chief of Engineers, shall
5	give priority to those projects in the following order:
6	"(A) In any fiscal year in which all
7	projects subject to the harbor maintenance fee
8	under section 24.24 of title 19, Code of Federal
9	Regulations (or successor regulation) are not
10	maintained to their authorized width and depth,
11	the Secretary shall prioritize amounts made
12	available under this section for those projects—
13	"(i) that are high-use deep draft; and
14	"(ii) for which construction is com-
15	pleted.
16	"(B) In any fiscal year in which the
17	projects described in subparagraph (A) are
18	maintained to their authorized width and depth,
19	the Secretary shall prioritize not more than 20
20	percent of remaining amounts made available
21	under this section for projects—
22	"(i) that have been maintained below
23	their authorized width and depth during
24	the preceding 5 fiscal years; and

1	"(ii) for which significant Federal,
2	State, and local investments in infrastruc-
3	ture have been made at those projects.
4	"(2) Administration.—For purposes of this
5	subsection, State and local investments in infrastruc-
6	ture shall include infrastructure investments made
7	using amounts made available for activities under
8	section 105(a)(9) of the Housing and Community
9	Development Act of 1974 (42 U.S.C. 5305(a)(9)).".
10	(b) OPERATION AND MAINTENANCE.—Section
11	101(b) of the Water Resources Development Act of 1986
12	(33 U.S.C. 2211(b)) is amended—
13	(1) in paragraph (1), by striking "45 feet" and
14	inserting "50 feet"; and
15	(2) by adding at the end the following:
16	"(3) Operation and maintenance activi-
17	TIES DEFINED.—
18	"(A) Scope of operation and mainte-
19	NANCE ACTIVITIES.—Notwithstanding any
20	other provision of law (including regulations
21	and guidelines) and subject to subparagraph
22	(B), for purposes of this subsection, operation
23	and maintenance activities that are eligible for
24	the Federal cost share under paragraph (1)
25	shall include—

1	"(i) the dredging of berths in a har-
2	bor that is accessible to a Federal channel,
3	if the Federal channel has been con-
4	structed to a depth equal to the authorized
5	depth of the channel; and
6	"(ii) the dredging and disposal of leg-
7	acy-contaminated sediments and sediments
8	unsuitable for ocean disposal that—
9	"(I) are located in or affect the
10	maintenance of Federal navigation
11	channels; or
12	"(II) are located in berths that
13	are accessible to Federal channels.
14	"(B) Limitations.—
15	"(i) In general.—For each fiscal
16	year, subparagraph (A) shall only apply if
17	all operation and maintenance activities
18	that are eligible for the Federal cost share
19	under paragraph (1) in a State described
20	in clause (ii) have been funded.
21	"(ii) State Limitation.—For each
22	fiscal year, the operation and maintenance
23	activities described in subparagraph (A)
24	may only be carried out in a State that—

1	"(I) contributes not less than 2.5
2	percent annually of the total funding
3	of the Harbor Maintenance Trust
4	Fund established under section 9505
5	of the Internal Revenue Code of 1986;
6	and
7	"(II) received less than 50 per-
8	cent of the total amounts collected in
9	the State pursuant to section 9505 of
10	the Internal Revenue Code of 1986 in
11	the previous 3 fiscal years.
12	"(iii) Prioritization.—In allocating
13	amounts made available under this para-
14	graph, the Secretary shall give priority to
15	projects that have received the lowest rate
16	of funding from the Harbor Maintenance
17	Trust fund in previous fiscal years.".
18	(c) Conforming Amendment.—Section 9505(c)(1)
19	of the Internal Revenue Code of 1986 is amended by strik-
20	ing "as in effect on the date of the enactment of the Water
21	Resources Development Act of 1996" and inserting "as
22	in effect on the date of the enactment of the Harbor Main-
23	tenance Trust Fund Act of 2013".

1 SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGI-

2	NEERS.
3	(a) Point of Order.—
4	(1) In general.—Subject to subsections (b)
5	and (c), it shall not be in order in the House of Rep-
6	resentatives or the Senate to consider any bill, joint
7	resolution, amendment, motion, or conference report
8	that would result in making the amounts made
9	available for a given fiscal year to carry out all pro-
10	grams, projects, and activities of the civil works pro-
11	gram of the Corps of Engineers other than the har-
12	bor maintenance programs to be less than the
13	amounts made available for those purposes in the
14	previous fiscal year.
15	(2) Calculation of amounts.—For each fis-
16	cal year, the amounts made available to carry out all
17	programs, projects, and activities of the civil works
18	program of the Corps of Engineers shall not include
19	any amounts that are designated by Congress—
20	(A) as being for emergency requirements
21	pursuant to section 251(b)(2)(A)(i) of the Bal-
22	anced Budget and Emergency Deficit Control
23	Act of 1985 (2 U.S.C. $901(b)(2)(A)(i)$); or
24	(B) as being for disaster relief pursuant to
25	section 251(b)(2)(D) of the Balanced Budget

1	and Emergency Deficit Control Act of 1985 (2
2	U.S.C. $901(b)(2)(D)$.
3	(b) Exceptions.—Subsection (a) shall not apply if
4	amounts made available for the civil works program of the
5	Corps of Engineers for a fiscal year is less than the
6	amounts made available for the civil works program in the
7	previous fiscal year if the reduction in amounts made
8	available—
9	(1) applies to all discretionary funds and pro-
10	grams of the Federal Government; and
11	(2) is applied to the civil works program in the
12	same percentage and manner as other discretionary
13	funds and programs.
14	(c) Waiver and Appeal.—
15	(1) Senate.—
16	(A) In general.—Subsection (a) may be
17	waived or suspended in the Senate only by an
18	affirmative vote of 3/5 of the Members of the
19	Senate, duly chosen and sworn.
20	(B) Appeal.—An affirmative vote of $\frac{3}{5}$ of
21	the Members of the Senate, duly chosen and
22	sworn, shall be required to sustain an appeal of
23	the ruling of the Chair on a point of order
24	raised under subsection (a).

1 (2) House of Representatives.—The Committee on Rules of the House of Representatives
3 may not report a rule or order that would waive a
4 point of order to a bill or joint resolution from being
5 made under subsection (a).

6 TITLE IX—DAM SAFETY

7 SEC. 9001. SHORT TITLE.

- This title may be cited as the "Dam Safety Act of 9 2013".
- 10 **SEC. 9002. PURPOSE.**
- 11 The purpose of this title and the amendments made
- 12 by this title is to reduce the risks to life and property from
- 13 dam failure in the United States through the reauthoriza-
- 14 tion of an effective national dam safety program that
- 15 brings together the expertise and resources of the Federal
- 16 Government and non-Federal interests in achieving na-
- 17 tional dam safety hazard reduction.
- 18 SEC. 9003. ADMINISTRATOR.
- 19 (a) IN GENERAL.—The National Dam Safety Pro-
- 20 gram Act (33 U.S.C. 467 et seq.) is amended by striking
- 21 "Director" each place it appears and inserting "Adminis-
- 22 trator".
- 23 (b) Conforming Amendment.—Section 2 of the
- 24 National Dam Safety Program Act (33 U.S.C. 467) is
- 25 amended—

1	(1) by striking paragraph (3);
2	(2) by redesignating paragraphs (1) and (2) as
3	paragraphs (2) and (3), respectively; and
4	(3) by inserting before paragraph (2) (as redes-
5	ignated by paragraph (2)) the following:
6	"(1) Administrator.—The term 'Adminis-
7	trator' means the Administrator of the Federal
8	Emergency Management Agency.".
9	SEC. 9004. INSPECTION OF DAMS.
10	Section $3(b)(1)$ of the National Dam Safety Program
11	Act (33 U.S.C. $467a(b)(1)$) is amended by striking "or
12	maintenance" and inserting "maintenance, condition, or
13	provisions for emergency operations".
14	SEC. 9005. NATIONAL DAM SAFETY PROGRAM.
15	(1) Objectives.—Section 8(c) of the National
16	Dam Safety Program Act (33 U.S.C. 467f(c)) is
17	amended by striking paragraph (4) and inserting the
18	following:
19	"(4) develop and implement a comprehensive
20	dam safety hazard education and public awareness
21	program to assist the public in preparing for, miti-
22	gating, responding to, and recovering from dam inci-
23	dents;".
24	(2) Board.—Section 8(f)(4) of the National
25	Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is

1	amended by inserting ", representatives from non-
2	governmental organizations," after "State agencies".
3	SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM
4	SAFETY.
5	The National Dam Safety Program Act (33 U.S.C.
6	467 et seq.) is amended—
7	(1) by redesignating sections 11, 12, and 13 as
8	sections 12, 13, and 14, respectively; and
9	(2) by inserting after section 10 (33 U.S.C.
10	467g-1) the following:
11	"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM
12	SAFETY.
13	"The Administrator, in consultation with other Fed-
14	eral agencies, State and local governments, dam owners,
15	the emergency management community, the private sec-
16	tor, nongovernmental organizations and associations, in-
17	stitutions of higher education, and any other appropriate
18	entities shall carry out a nationwide public awareness and
19	outreach program to assist the public in preparing for,
20	mitigating, responding to, and recovering from dam inci-
21	dents.".
22	SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.
23	(1) National dam safety program.—
24	(A) Annual amounts.—Section 14(a)(1)
25	of the National Dam Safety Program Act (33

1	U.S.C. $467j(a)(1)$ (as so redesignated) is
2	amended by striking "\$6,500,000" and all that
3	follows through "2011" and inserting
4	" $\$9,200,000$ for each of fiscal years 2014
5	through 2018".
6	(B) MAXIMUM AMOUNT OF ALLOCATION.—
7	Section 14(a)(2)(B) of the National Dam Safe-
8	ty Program Act (33 U.S.C. $467j(a)(2)(B)$) (as
9	so redesignated) is amended—
10	(i) by striking "The amount" and in-
11	serting the following:
12	"(i) IN GENERAL.—The amount"; and
13	(ii) by adding at the end the fol-
14	lowing:
15	"(ii) FISCAL YEAR 2014 AND SUBSE-
16	QUENT FISCAL YEARS.—For fiscal year
17	2014 and each subsequent fiscal year, the
18	amount of funds allocated to a State under
19	this paragraph may not exceed the amount
20	of funds committed by the State to imple-
21	ment dam safety activities.".
22	(2) National Dam Inventory.—Section 14(b)
23	of the National Dam Safety Program Act (33
24	U.S.C. 467j(b)) (as so redesignated) is amended by
25	striking "\$650,000" and all that follows through

1	"2011" and inserting "\$500,000 for each of fiscal
2	years 2014 through 2018".
3	(3) Public Awareness.—Section 14 of the
4	National Dam Safety Program Act (33 U.S.C. 467j)
5	(as so redesignated) is amended—
6	(A) by redesignating subsections (c)
7	through (f) as subsections (d) through (g), re-
8	spectively; and
9	(B) by inserting after subsection (b) the
10	following:
11	"(c) Public Awareness.—There is authorized to be
12	appropriated to carry out section 11 \$1,000,000 for each
13	of fiscal years 2014 through 2018.".
14	(4) Research.—Section 14(d) of the National
15	Dam Safety Program Act (as so redesignated) is
16	amended by striking "\$1,600,000" and all that fol-
17	lows through "2011" and inserting "\$1,450,000 for
18	each of fiscal years 2014 through 2018".
19	(5) Dam safety training.—Section 14(e) of
20	the National Dam Safety Program Act (as so redes-
21	ignated) is amended by striking "\$550,000" and all
22	that follows through "2011" and inserting
23	"\$750,000 for each of fiscal years 2014 through
24	2018".

1	(6) Staff.—Section 14(f) of the National Dam
2	Safety Program Act (as so redesignated) is amended
3	by striking "\$700,000" and all that follows through
4	"2011" and inserting "\$1,000,000 for each of fiscal
5	years 2014 through 2018".
6	TITLE X—INNOVATIVE
7	FINANCING PILOT PROJECTS
8	SEC. 10001. SHORT TITLE.
9	This title may be cited as the "Water Infrastructure
10	Finance and Innovation Act of 2013".
11	SEC. 10002. PURPOSES.
12	The purpose of this title is to establish a pilot pro-
13	gram to assess the ability of innovative financing tools
14	to—
15	(1) promote increased development of critical
16	water resources infrastructure by establishing addi-
17	tional opportunities for financing water resources
18	projects that complement but do not replace or re-
19	duce existing Federal infrastructure financing tools
20	such as the State water pollution control revolving
21	loan funds established under title VI of the Federal
22	Water Pollution Control Act (33 U.S.C. 1381 et
23	seq.) and the State drinking water treatment revolv-
24	ing loan funds established under section 1452 of the
25	Safe Drinking Water Act (42 U.S.C. 300j-12);

1	(2) attract new investment capital to infrastruc-
2	ture projects that are capable of generating revenue
3	streams through user fees or other dedicated fund-
4	ing sources;
5	(3) complement existing Federal funding
6	sources and address budgetary constraints on the
7	Corps of Engineers civil works program and existing
8	wastewater and drinking water infrastructure fi-
9	nancing programs;
10	(4) leverage private investment in water re-
11	sources infrastructure;
12	(5) align investments in water resources infra-
13	structure to achieve multiple benefits; and
14	(6) assist communities facing significant water
15	quality, drinking water, or flood risk challenges with
16	the development of water infrastructure projects.
17	SEC. 10003. DEFINITIONS.
18	In this title:
19	(1) Administrator.—The term "Adminis-
20	trator" means the Administrator of the Environ-
21	mental Protection Agency.
22	(2) Community water system.—The term
23	"community water system" has the meaning given
24	the term in section 1401 of the Safe Drinking Water

Act (42 U.S.C. 300f).

1	(3) Federal credit instrument.—The term
2	"Federal credit instrument" means a secured loan
3	or loan guarantee authorized to be made available
4	under this title with respect to a project.
5	(4) Investment-grade rating.—The term
6	"investment-grade rating" means a rating of BBB
7	minus, Baa3, bbb minus, BBB (low), or higher as-
8	signed by a rating agency to project obligations.
9	(5) Lender.—
10	(A) In General.—The term "lender"
11	means any non-Federal qualified institutional
12	buyer (as defined in section 230.144A(a) of
13	title 17, Code of Federal Regulations (or a suc-
14	cessor regulation), known as Rule 144A(a) of
15	the Securities and Exchange Commission and
16	issued under the Securities Act of 1933 (15
17	U.S.C. 77a et seq.)).
18	(B) Inclusions.—The term "lender" in-
19	cludes—
20	(i) a qualified retirement plan (as de-
21	fined in section 4974(c) of the Internal
22	Revenue Code of 1986) that is a qualified
23	institutional buyer; and
24	(ii) a governmental plan (as defined in
25	section 414(d) of the Internal Revenue

1	Code of 1986) that is a qualified institu-
2	tional buyer.
3	(6) Loan guarantee.—The term "loan guar-
4	antee" means any guarantee or other pledge by the
5	Secretary or the Administrator to pay all or part of
6	the principal of, and interest on, a loan or other debt
7	obligation issued by an obligor and funded by a lend-
8	er.
9	(7) Obligor.—The term "obligor" means an
10	eligible entity that is primarily liable for payment of
11	the principal of, or interest on, a Federal credit in-
12	strument.
13	(8) Project obligation.—
14	(A) IN GENERAL.—The term "project obli-
15	gation" means any note, bond, debenture, or
16	other debt obligation issued by an obligor in
17	connection with the financing of a project.
18	(B) Exclusion.—The term "project obli-
19	gation" does not include a Federal credit in-
20	strument.
21	(9) Rating agency.—The term "rating agen-
22	cy" means a credit rating agency registered with the
23	Securities and Exchange Commission as a nationally
24	recognized statistical rating organization (as defined

1	in section 3(a) of the Securities Exchange Act of
2	1934 (15 U.S.C. 78c(a))).
3	(10) Secured Loan.—The term "secured
4	loan" means a direct loan or other debt obligation
5	issued by an obligor and funded by the Secretary in
6	connection with the financing of a project under sec-
7	tion 10010.
8	(11) State.—The term "State" means—
9	(A) a State;
10	(B) the District of Columbia;
11	(C) the Commonwealth of Puerto Rico;
12	and
13	(D) any other territory or possession of the
14	United States.
15	(12) State infrastructure financing au-
16	THORITY.—The term "State infrastructure financing
17	authority" means the State entity established or des-
18	ignated by the Governor of a State to receive a cap-
19	italization grant provided by, or otherwise carry out
20	the requirements of, title VI of the Federal Water
21	Pollution Control Act (33 U.S.C. 1381 et seq.) or
22	section 1452 of the Safe Drinking Water Act (42
23	U.S.C. 300j–12).
24	(13) Subsidy amount.—The term "subsidy
25	amount" means the amount of budget authority suf-

- 1 ficient to cover the estimated long-term cost to the
- 2 Federal Government of a Federal credit instrument,
- as calculated on a net present value basis, excluding
- 4 administrative costs and any incidental effects on
- 5 governmental receipts or outlays in accordance with
- 6 the Federal Credit Reform Act of 1990 (2 U.S.C.
- 7 661 et seq.).
- 8 (14) Substantial completion.—The term
- 9 "substantial completion", with respect to a project,
- means the earliest date on which a project is consid-
- ered to perform the functions for which the project
- is designed.
- 13 (15) Treatment works.—The term "treat-
- ment works" has the meaning given the term in sec-
- tion 212 of the Federal Water Pollution Control Act
- 16 (33 U.S.C. 1292).
- 17 SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.
- 18 (a) IN GENERAL.—The Secretary and the Adminis-
- 19 trator may provide financial assistance under this title to
- 20 carry out pilot projects, which shall be selected to ensure
- 21 a diversity of project types and geographical locations.
- (b) Responsibility.—
- 23 (1) Secretary.—The Secretary shall carry out
- all pilot projects under this title that are eligible
- projects under section 10007(1).

1	(2) Administrator.—The Administrator shall
2	carry out all pilot projects under this title that are
3	eligible projects under paragraphs (2), (3), (4), (5),
4	(6), and (8) of section 10007.
5	(3) OTHER PROJECTS.—The Secretary or the
6	Administrator, as applicable, may carry out eligible
7	projects under paragraph (7) or (9) of section
8	10007.
9	SEC. 10005. APPLICATIONS.
10	(a) In General.—To receive assistance under this
11	title, an eligible entity shall submit to the Secretary or
12	the Administrator, as applicable, an application at such
13	time, in such manner, and containing such information as
14	the Secretary or the Administrator may require.
15	(b) Combined Projects.—In the case of an eligible
16	project described in paragraph (8) or (9) of section 10007,
17	the Secretary or the Administrator, as applicable, shall re-
18	quire the eligible entity to submit a single application for
19	the combined group of projects.
20	SEC. 10006. ELIGIBLE ENTITIES.
21	The following entities are eligible to receive assistance
22	under this title:
23	(1) A corporation.
24	(2) A partnership.

25

(3) A joint venture.

1	(4) A trust.
2	(5) A Federal, State, or local governmental en-
3	tity, agency, or instrumentality.
4	(6) A tribal government or consortium of tribal
5	governments.
6	(7) A State infrastructure financing authority
7	SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.
8	The following projects may be carried out with
9	amounts made available under this title:
10	(1) A project for flood control or hurricane and
11	storm damage reduction that the Secretary has de-
12	termined is technically sound, economically justified
13	and environmentally acceptable, including—
14	(A) a structural or nonstructural measure
15	to reduce flood risk, enhance stream flow, or
16	protect natural resources; and
17	(B) a levee, dam, tunnel, aqueduct, res-
18	ervoir, or other related water infrastructure.
19	(2) One or more activities that are eligible for
20	assistance under section 603(c) of the Federal
21	Water Pollution Control Act (33 U.S.C. 1383(c))
22	notwithstanding the public ownership requirement
23	under paragraph (1) of that subsection.

1	(3) One or more activities described in section
2	1452(a)(2) of the Safe Drinking Water Act (42
3	U.S.C. 300j–12(a)(2)).
4	(4) A project for enhanced energy efficiency in
5	the operation of a public water system.
6	(5) A project for repair, rehabilitation, or re-
7	placement of a treatment works, community water
8	system, or aging water distribution facility.
9	(6) A brackish or sea water desalination
10	project, a managed aquifer recharge project, or a
11	water recycling project.
12	(7) Acquisition of real property or an interest
13	in real property—
14	(A) if the acquisition is integral to a
15	project described in paragraphs (1) through (6);
16	or
17	(B) pursuant to an existing plan that, in
18	the judgment of the Administrator or the Sec-
19	retary, as applicable, would mitigate the envi-
20	ronmental impacts of water resources infra-
21	structure projects otherwise eligible for assist-
22	ance under this section.
23	(8) A combination of projects, each of which is
24	eligible under paragraph (2) or (3), for which a

1	State infrastructure financing authority submits to
2	the Administrator a single application.
3	(9) A combination of projects secured by a com-
4	mon security pledge, each of which is eligible under
5	paragraph (1) , (2) , (3) , (4) , (5) , (6) , or (7) , for
6	which an eligible entity, or a combination of eligible
7	entities, submits a single application.
8	SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.
9	For purposes of this title, an eligible activity with re-
10	spect to an eligible project includes the cost of—
11	(1) development-phase activities, including plan-
12	ning, feasibility analysis (including any related anal-
13	ysis necessary to carry out an eligible project), rev-
14	enue forecasting, environmental review, permitting
15	preliminary engineering and design work, and other
16	preconstruction activities;
17	(2) construction, reconstruction, rehabilitation,
18	and replacement activities;
19	(3) the acquisition of real property or an inter-
20	est in real property (including water rights, land re-
21	lating to the project, and improvements to land), en-
22	vironmental mitigation (including acquisitions pursu-
23	ant to section 10007(7)), construction contingencies.

and acquisition of equipment;

1	(4) capitalized interest necessary to meet mar-
2	ket requirements, reasonably required reserve funds,
3	capital issuance expenses, and other carrying costs
4	during construction; and
5	(5) refinancing interim construction funding,
6	long-term project obligations, or a secured loan or
7	loan guarantee made under this title.
8	SEC. 10009. DETERMINATION OF ELIGIBILITY AND
9	PROJECT SELECTION.
10	(a) Eligibility Requirements.—To be eligible to
11	receive financial assistance under this title, a project shall
12	meet the following criteria, as determined by the Secretary
13	or Administrator, as applicable:
14	(1) Creditworthiness.—
15	(A) In general.—Subject to subpara-
16	graph (B), the project shall be creditworthy,
17	which shall be determined by the Secretary or
18	the Administrator, as applicable, who shall en-
19	sure that any financing for the project has ap-
20	propriate security features, such as a rate cov-
21	enant, to ensure repayment.
22	(B) Preliminary rating opinion let-
23	TER.—The Secretary or the Administrator, as
24	applicable, shall require each project applicant
25	to provide a preliminary rating opinion letter

- from at least 1 rating agency indicating that
 the senior obligations of the project (which may
 be the Federal credit instrument) have the potential to achieve an investment-grade rating.
 - (C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.
 - (2) ELIGIBLE PROJECT COSTS.—The eligible project costs of a project shall be reasonably anticipated to be not less than \$20,000,000.
 - (3) Dedicated revenue sources.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.
 - (4) Public sponsorship of private entitity that is not a State or local government or an

1	agency or instrumentality of a State or local govern-
2	ment, the project shall be publicly sponsored.
3	(b) Selection Criteria.—
4	(1) ESTABLISHMENT.—The Secretary or the
5	Administrator, as applicable, shall establish criteria
6	for the selection of projects that meet the eligibility
7	requirements of subsection (a), in accordance with
8	paragraph (2).
9	(2) Criteria.—The selection criteria shall in-
10	clude the following:
11	(A) The extent to which the project is na-
12	tionally or regionally significant, with respect to
13	the generation of economic and public benefits,
14	such as—
15	(i) the reduction of flood risk;
16	(ii) the improvement of water quality;
17	(iii) the protection of drinking water;
18	and
19	(iv) the support of international com-
20	merce.
21	(B) The extent to which the project financ-
22	ing plan includes public or private financing in
23	addition to assistance under this title.
24	(C) The likelihood that assistance under
25	this title would enable the project to proceed at

1	an earlier date than the project would otherwise
2	be able to proceed.
3	(D) The extent to which the project uses
4	new or innovative approaches.
5	(E) The amount of budget authority re-
6	quired to fund the Federal credit instrument
7	made available under this title.
8	(F) The extent to which the project—
9	(i) protects against extreme weather
10	events, such as floods or hurricanes; or
11	(ii) helps maintain or protect the envi-
12	ronment.
13	(G) The extent to which a project serves
14	regions with significant energy exploration, de-
15	velopment, or production areas.
16	(H) The extent to which a project serves
17	regions with significant water resource chal-
18	lenges, including the need to address—
19	(i) water quality concerns in areas of
20	regional, national, or international signifi-
21	cance;
22	(ii) water quantity concerns related to
23	groundwater, surface water, or other water
24	sources;
25	(iii) significant flood risk;

1	(iv) water resource challenges identi-
2	fied in existing regional, State, or
3	multistate agreements; or
4	(v) water resources with exceptional
5	recreational value or ecological importance.
6	(I) The extent to which assistance under
7	this title reduces the contribution of Federal as-
8	sistance to the project.
9	(3) Special rule for certain combined
10	PROJECTS.—For a project described in section
11	10007(8), the Administrator shall only consider the
12	criteria described in subparagraphs (B) through (I)
13	of paragraph (2).
14	(c) Federal Requirements.—Nothing in this sec-
15	tion supersedes the applicability of other requirements of
16	Federal law (including regulations).
17	SEC. 10010. SECURED LOANS.
18	(a) Agreements.—
19	(1) In general.—Subject to paragraphs (2)
20	through (4), the Secretary or the Administrator, as
21	applicable, may enter into agreements with 1 or
22	more obligors to make secured loans, the proceeds of
23	which shall be used—
24	(A) to finance eligible project costs of any
25	project selected under section 10009;

1	(B) to refinance interim construction fi-						
2	nancing of eligible project costs of any project						
3	selected under section 10009; or						
4	(C) to refinance long-term project obliga-						
5	tions or Federal credit instruments, if that refi-						
6	nancing provides additional funding capacity for						
7	the completion, enhancement, or expansion of						
8	any project that—						
9	(i) is selected under section 10009; or						
10	(ii) otherwise meets the requirements						
11	of section 10009.						
12	(2) Limitation on refinancing of interim						
13	CONSTRUCTION FINANCING.—A secured loan under						
14	paragraph (1) shall not be used to refinance interim						
15	construction financing under paragraph (1)(B) later						
16	than 1 year after the date of substantial completion						
17	of the applicable project.						
18	(3) FINANCIAL RISK ASSESSMENT.—Before en-						
19	tering into an agreement under this subsection for						
20	a secured loan, the Secretary or the Administrator,						
21	as applicable, in consultation with the Director of						
22	the Office of Management and Budget and each rat-						
23	ing agency providing a preliminary rating opinion						
24	letter under section 10009(a)(1)(B), shall determine						

an appropriate capital reserve subsidy amount for

1	the secured loan, taking into account each such pre-
2	liminary rating opinion letter.
3	(4) Investment-grade rating require-
4	MENT.—The execution of a secured loan under this
5	section shall be contingent on receipt by the senior
6	obligations of the project of an investment-grade rate
7	ing.
8	(b) TERMS AND LIMITATIONS.—
9	(1) In general.—A secured loan provided for
10	a project under this section shall be subject to such
11	terms and conditions, and contain such covenants
12	representations, warranties, and requirements (in-
13	cluding requirements for audits), as the Secretary or
14	the Administrator, as applicable, determines to be
15	appropriate.
16	(2) MAXIMUM AMOUNT.—The amount of a se-
17	cured loan under this section shall not exceed the
18	lesser of—
19	(A) an amount equal to 49 percent of the
20	reasonably anticipated eligible project costs; and
21	(B) if the secured loan does not receive an
22	investment-grade rating, the amount of the sen-
23	ior project obligations of the project.
24	(3) Payment.—A secured loan under this sec
25	tion

1	(A) shall be payable, in whole or in part,				
2	from State or local taxes, user fees, or other				
3	dedicated revenue sources that also secure the				
4	senior project obligations of the relevant				
5	project;				
6	(B) shall include a rate covenant, coverage				
7	requirement, or similar security feature sup-				
8	porting the project obligations; and				
9	(C) may have a lien on revenues described				
10	in subparagraph (A), subject to any lien secur-				
11	ing project obligations.				
12	(4) Interest rate on a				
13	secured loan under this section shall be not less than				
14	the yield on United States Treasury securities of a				
15	similar maturity to the maturity of the secured loan				
16	on the date of execution of the loan agreement.				
17	(5) Maturity date.—				
18	(A) IN GENERAL.—The final maturity date				
19	of a secured loan under this section shall be not				
20	later than 35 years after the date of substantial				
21	completion of the relevant project.				
22	(B) Special rule for state infra-				
23	STRUCTURE FINANCING AUTHORITIES.—The				
24	final maturity date of a secured loan to a State				
25	infrastructure financing authority under this				

1	section shall be not later than 35 years after						
2	the date on which amounts are first disbursed.						
3	(6) Nonsubordination.—A secured loan						
4	under this section shall not be subordinated to the						
5	claims of any holder of project obligations in the						
6	event of bankruptcy, insolvency, or liquidation of the						
7	obligor of the project.						
8	(7) Fees.—The Secretary or the Adminis-						
9	trator, as applicable, may establish fees at a level						
10	sufficient to cover all or a portion of the costs to the						
11	Federal Government of making a secured loan under						
12	this section.						
13	(8) Non-federal share.—The proceeds of a						
14	secured loan under this section may be used to pay						
15	any non-Federal share of project costs required if						
16	the loan is repayable from non-Federal funds.						
17	(9) Maximum federal involvement.—						
18	(A) In general.—Except as provided in						
19	subparagraph (B), for each project for which						
20	assistance is provided under this title, the total						
21	amount of Federal assistance shall not exceed						
22	80 percent of the total project cost.						
23	(B) Exception.—Subparagraph (A) shall						
24	not apply to any rural water project—						

1	(i) that is authorized to be carried out
2	by the Secretary of the Interior;
3	(ii) that includes among its bene-
4	ficiaries a federally recognized Indian tribe;
5	and
6	(iii) for which the authorized Federal
7	share of the total project costs is greater
8	than the amount described in subpara-
9	graph (A).
10	(c) Repayment.—
11	(1) Schedule.—The Secretary or the Admin-
12	istrator, as applicable, shall establish a repayment
13	schedule for each secured loan provided under this
14	section, based on the projected cash flow from
15	project revenues and other repayment sources.
16	(2) Commencement.—
17	(A) IN GENERAL.—Scheduled loan repay-
18	ments of principal or interest on a secured loan
19	under this section shall commence not later
20	than 5 years after the date of substantial com-
21	pletion of the project.
22	(B) Special rule for state infra-
23	STRUCTURE FINANCING AUTHORITIES.—Sched-
24	uled loan repayments of principal or interest on
25	a secured loan to a State infrastructure financ-

1	ing authority under this title shall commence
2	not later than 5 years after the date on which
3	amounts are first disbursed.
4	(3) Deferred payments.—
5	(A) Authorization.—If, at any time
6	after the date of substantial completion of a
7	project for which a secured loan is provided
8	under this section, the project is unable to gen-
9	erate sufficient revenues to pay the scheduled
10	loan repayments of principal and interest on the
11	secured loan, the Secretary or the Adminis-
12	trator, as applicable, subject to subparagraph
13	(C), may allow the obligor to add unpaid prin-
14	cipal and interest to the outstanding balance of
15	the secured loan.
16	(B) Interest.—Any payment deferred
17	under subparagraph (A) shall—
18	(i) continue to accrue interest in ac-
19	cordance with subsection (b)(4) until fully
20	repaid; and
21	(ii) be scheduled to be amortized over
22	the remaining term of the secured loan.
23	(C) Criteria.—
24	(i) In general.—Any payment defer-
25	ral under subparagraph (A) shall be con-

1	tingent on the project meeting such cri-
2	teria as the Secretary or the Adminis-
3	trator, as applicable, may establish.
4	(ii) Repayment standards.—The
5	criteria established under clause (i) shall
6	include standards for reasonable assurance
7	of repayment.
8	(4) Prepayment.—
9	(A) Use of excess revenues.—Any ex-
10	cess revenues that remain after satisfying
11	scheduled debt service requirements on the
12	project obligations and secured loan and all de-
13	posit requirements under the terms of any trust
14	agreement, bond resolution, or similar agree-
15	ment securing project obligations may be ap-
16	plied annually to prepay a secured loan under
17	this section without penalty.
18	(B) Use of proceeds of refi-
19	NANCING.—A secured loan under this section
20	may be prepaid at any time without penalty
21	from the proceeds of refinancing from non-Fed-
22	eral funding sources.
23	(d) Sale of Secured Loans.—
24	(1) In general.—Subject to paragraph (2), as
25	soon as practicable after the date of substantial

- completion of a project and after providing a notice
 to the obligor, the Secretary or the Administrator, as
 applicable, may sell to another entity or reoffer into
 the capital markets a secured loan for a project
 under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.
 - (2) Consent of obligor.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) Loan Guarantees.—

- (1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.
- (2) Terms.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be nego-

1	tiated between the obligor and the lender, with the					
2	consent of the Secretary or the Administrator, as					
3	applicable.					
4	SEC. 10011. PROGRAM ADMINISTRATION.					
5	(a) REQUIREMENT.—The Secretary or the Adminis-					
6	trator, as applicable, shall establish a uniform system to					
7	service the Federal credit instruments made available					
8	under this title.					
9	(b) Fees.—					
10	(1) In General.—The Secretary or the Admin-					
11	istrator, as applicable, may collect and spend fees,					
12	contingent on authority being provided in appropria-					
13	tions Acts, at a level that is sufficient to cover—					
14	(A) the costs of services of expert firms re-					
15	tained pursuant to subsection (d); and					
16	(B) all or a portion of the costs to the					
17	Federal Government of servicing the Federal					
18	credit instruments provided under this title.					
19	(e) Servicer.—					
20	(1) In General.—The Secretary or the Admin-					
21	istrator, as applicable, may appoint a financial entity					
22	to assist the Secretary or the Administrator in serv-					
23	icing the Federal credit instruments provided under					
24	this title.					

1	(2) Duties.—A servicer appointed under para-
2	graph (1) shall act as the agent for the Secretary or
3	the Administrator, as applicable.

- 4 (3) FEE.—A servicer appointed under para-5 graph (1) shall receive a servicing fee, subject to ap-6 proval by the Secretary or the Administrator, as ap-7 plicable.
- 8 (d) Assistance From Experts.—The Secretary or
- 9 the Administrator, as applicable, may retain the services,
- 10 including counsel, of organizations and entities with exper-
- 11 tise in the field of municipal and project finance to assist
- 12 in the underwriting and servicing of Federal credit instru-
- 13 ments provided under this title.
- 14 (e) Applicability of Other Laws.—Section 513
- 15 of the Federal Water Pollution Control Act (33 U.S.C.
- 16 1372) applies to the construction of a project carried out,
- 17 in whole or in part, with assistance made available through
- 18 a Federal credit instrument under this title in the same
- 19 manner that section applies to a treatment works for
- 20 which a grant is made available under that Act.
- 21 SEC. 10012. STATE AND LOCAL PERMITS.
- The provision of financial assistance for project under
- 23 this title shall not—

1	(1) relieve any recipient of the assistance of any
2	obligation to obtain any required State or local per-
3	mit or approval with respect to the project;

- 4 (2) limit the right of any unit of State or local 5 government to approve or regulate any rate of re-6 turn on private equity invested in the project; or
- 7 (3) otherwise supersede any State or local law 8 (including any regulation) applicable to the construc-9 tion or operation of the project.

10 SEC. 10013. REGULATIONS.

- 11 The Secretary or the Administrator, as applicable,
- 12 may promulgate such regulations as the Secretary or Ad-
- 13 ministrator determines to be appropriate to carry out this
- 14 title.

15 SEC. 10014. FUNDING.

- 16 (a) In General.—There is authorized to be appro-
- 17 priated to each of the Secretary and the Administrator
- 18 to carry out this title \$50,000,000 for each of fiscal years
- 19 2014 through 2018, to remain available until expended.
- 20 (b) Administrative Costs.—Of the funds made
- 21 available to carry out this title, the Secretary or the Ad-
- 22 ministrator, as applicable, may use for the administration
- 23 of this title, including for the provision of technical assist-
- 24 ance to aid project sponsors in obtaining the necessary ap-

- provals for the project, not more than \$2,200,000 for each of fiscal years 2014 through 2018. 3 SEC. 10015. REPORT TO CONGRESS. 4 Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the 6 Committee on Environment and Public Works of the Sen-8 ate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, 10 11 assistance under this title— 12 (1) the financial performance of those projects, 13 including a recommendation as to whether the objec-14 tives of this title are being met; and 15 (2)the public benefit provided by those 16 projects, including, as applicable, water quality im-17 provement, the protection of drinking water, and the 18 reduction of flood risk. TITLE XI—EXTREME WEATHER 19 SEC. 11001. IMPROVING MANAGEMENT OF FLOOD AND 21 DROUGHT.
- 22 (a) IN GENERAL.—Not later than 18 months after 23 the date of enactment of this Act, the Secretary shall enter 24 into an arrangement with the National Academy of
- 25 Sciences to carry out a study and make recommendations

1	relating to options for reducing risk to human life and
2	property from extreme weather events, such as hurricanes,
3	coastal storms, and inland flooding.
4	(b) Considerations.—The study under subsection
5	(a) shall include—
6	(1) an analysis of strategies and projects, in-
7	cluding authorized water resources projects that
8	have not yet been constructed, implemented in the
9	United States and worldwide to respond to risk asso-
10	ciated with extreme weather events;
11	(2) an analysis of historical extreme weather
12	events and the ability of existing infrastructure to
13	mitigate risks associated with those events;
14	(3) an estimation of the funding necessary to
15	improve infrastructure in the United States to re-
16	duce risk associated with extreme weather events;
17	(4) an analysis of the adequacy of current fund-
18	ing sources and the identification of potential new
19	funding sources to finance the necessary infrastruc-
20	ture improvements referred to in paragraph (3); and
21	(5) an analysis of the Federal, State, and local
22	costs of natural disasters and the potential cost-sav-
23	ings associated with implementing mitigation meas-

ures.

1	(c)	COORDINATION.—The	National	Academy	01

- 2 Sciences may cooperate with the National Academy of
- 3 Public Administration to carry out 1 or more aspects of
- 4 the study under subsection (a).
- 5 (d) Publication.—Not later than 30 days after
- 6 completion of the study under subsection (a), the National
- 7 Academy of Sciences shall—
- 8 (1) submit a copy of the study to the Com-
- 9 mittee on Environment and Public Works of the
- Senate and the Committee on Transportation and
- 11 Infrastructure of the House of Representatives; and
- 12 (2) make a copy of the study available on a
- publicly accessible Internet site.
- 14 SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD AND
- DROUGHT.
- 16 (a) IN GENERAL.—Not later than 1 year after the
- 17 date of enactment of this Act, the Comptroller General
- 18 shall submit to the Committee on Environment and Public
- 19 Works of the Senate and the Committee on Transpor-
- 20 tation and Infrastructure of the House of Representatives
- 21 a study of the strategies used by the Corps of Engineers
- 22 for the comprehensive management of water resources in
- 23 response to floods, storms, and droughts, including an his-
- 24 torical review of the ability of the Corps of Engineers to

- 1 manage and respond to historical drought, storm, and
- 2 flood events.

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- 3 (b) Considerations.—The study under subsection
- 4 (a) shall address—
- 5 (1) the extent to which existing water manage-6 ment activities of the Corps of Engineers can better 7 address and mitigate flood, storm damage, and 8 drought impacts on a national basis;
 - (2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;
 - (3) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;
 - (4) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of

- water resources that increases efficiency and improves response to flood, storm, and drought conditions; and
- (5) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

9 SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.

10 (a) Watershed Assessments.—

- (1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate damaged infrastructure and reduce risks to human life and property from future natural disasters.
 - (2) Existing projects.—A watershed assessment carried out under paragraph (1) may identify

1	existing projects being carried out under 1 or more
2	of the authorities referred to in subsection $(b)(1)$.
3	(3) Duplicate watershed assessments.—
4	In carrying out a watershed assessment under para-
5	graph (1), the Secretary shall use all existing water-
6	shed assessments and related information developed
7	by the Secretary or other Federal, State, or local en-
8	tities.
9	(b) Projects.—
10	(1) IN GENERAL.—The Secretary may carry out
11	1 or more small projects identified in a watershed
12	assessment under subsection (a) that the Secretary
13	would otherwise be authorized to carry out under—
14	(A) section 205 of the Flood Control Act
15	of 1948 (33 U.S.C. 701s);
16	(B) section 111 of the River and Harbor
17	Act of 1968 (33 U.S.C. 426i);
18	(C) section 206 of the Water Resources
19	Development Act of 1996 (33 U.S.C. 2330);
20	(D) section 1135 of the Water Resources
21	Development Act of 1986 (33 U.S.C. 2309a);
22	(E) section 107 of the River and Harbor
23	Act of 1960 (33 U.S.C. 577); or
24	(F) section 3 of the Act of August 13,
25	1946 (33 U.S.C. 426g).

1	(2) Existing projects.—In carrying out a
2	project under paragraph (1), the Secretary shall—
3	(A) to the maximum extent practicable,
4	use all existing information and studies avail-
5	able for the project; and
6	(B) not require any element of a study
7	completed for the project prior to the disaster
8	to be repeated.
9	(c) Requirements.—All requirements applicable to
10	a project under the Acts described in subsection (b) shall
11	apply to the project.
12	(d) Limitations on Assessments.—
13	(1) In General.—A watershed assessment
14	under subsection (a) shall be initiated not later than
15	2 years after the date on which the major disaster
16	declaration is issued.
17	(2) Federal share.—The Federal share of
18	the cost of carrying out a watershed assessment
19	under subsection (a) shall not exceed \$1,000,000.
20	(e) Authorization of Appropriations.—There is
21	authorized to be appropriated to carry out this section
22	\$25,000,000 for each of fiscal years 2014 through 2018.